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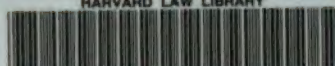
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Natal. Laws, statutes, etc. Compilations

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ORDINANCES, LAWS,
AND
PROCLAMATIONS,

**COMPILED AND EDITED UNDER THE AUTHORITY AND WITH THE
SANCTION OF HIS EXCELLENCY THE LIEUTENANT
GOVERNOR AND THE HONOURABLE THE
LEGISLATIVE COUNCIL.**

BY

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ASSISTED BY

ROBERT LYON,
LATE LIBRARIAN OF THE LEGISLATIVE COUNCIL.

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CHRONOLOGICAL INDEX.

ORDINANCES AND LAWS

OF

NATAL,

FROM THE YEAR 1845 TO THE YEAR 1878 INCLUSIVE,
CHRONOLOGICALLY ARRANGED.

No. and Date of Law.	Title, or Subject Matter.	If in Force, or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 12, 1845—Aug. 27, 1845; Proclaimed, Feb. 27, 1847.	For establishing the Roman-Dutch Law in and for the District of Natal.	In force. Repealed in part by Ord. 3, 1849, § 1. and Law 26, 1875.
Ord. No. 14, 1845—Oct. 16, 1845.	For erecting a District Court in and for the District of Natal.	Repealed by Law 10, 1857, § 1.
Ord. No. 17, 1845—Dec. 4, 1845; Proclaimed, Feb. 27, 1847.	For determining the Qualifications of Jurors in the District of Natal.	Repealed by Ord. 6, 1852, § 34.
Ord. No. 18, 1845—Dec. 4, 1845.	For regulating the manner of proceeding in Criminal Cases in the District of Natal.	In force. <i>Vide</i> Ords. 3, 1852; and 18, 1856; Laws 10, 1857; 16, 1861; 14, 1864; and 14, 1869.
Ord. No. 19, 1845—Dec. 4, 1845; Proclaimed, Feb. 27, 1847.	For altering, amending, and declaring in certain respects the Law of Evidence within the District of Natal.	Repealed by Law 17, 1859, § 18.
Ord. No. 2, 1846—Jan. 7, 1846.	For creating a Deeds' Registry Office for the District of Natal.	In force. <i>Vide</i> Ord. 33, 1846; Laws 21, 1866; and 16, 1875.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 3, 1846—Dec. 26, 1846; Proclaimed, Feb. 27, 1847.	For regulating the Payment of Transfer Duties in the District of Natal.	Repealed by Law 5, 1860, § 1.
Ord. No. 4, 1846—Jan. 7, 1846; Proclaimed, Feb. 27, 1847.	For fixing the Age of Majority within the District of Natal.	In force.
Ord. No. 5, 1846—Jan. 7, 1846; Proclaimed, Feb. 27, 1847.	For creating Field-cornets and Constables in and for the District of Natal.	In force.
Ord. No. 6, 1846—Jan. 7, 1846; Proclaimed, Feb. 27, 1847.	For creating Justices of the Peace within the District of Natal.	In force. <i>Vide</i> Ord. 18, 1845; and Laws 14, 1869; and 18, 1856.
Ord. No. 14, 1846—March 25, 1846; Proclaimed, March 17, 1847.	For improving the Law of Evidence.	Repealed by Law 17, 1859, § 18.
Ord. No. 16, 1846—April 24, 1846; Proclaimed, Nov. 18, 1847.	For creating Resident Magistrates within the District of Natal.	In force. <i>Vide</i> Ords. 18, 1845; 1, 1849; 8, 1852; and 12, 1852; Laws 10, 1857; 6, 1859; 10, 1868; 14, 1868, § 3; and 14, 1869; and Rules of Resident Magistrates' Courts.
Ord. No. 17, 1846—April 24, 1846; Proclaimed, Feb. 17, 1847.	To amend the Law regarding Marriages within the District of Natal.	In force. <i>Vide</i> Law 2, 1876.
Ord. No. 18, 1846—April 24, 1846; Proclaimed, Feb. 17, 1847.	For regulating Sales by Auction within the District of Natal.	Repealed by Law 32, 1874, § 1.
Ord. No. 21, 1846—Sept. 24, 1846.	For amending the Law relating to the rights of Execution Creditors within the District of Natal.	In force.
Ord. No. 22, 1846—Sept. 24, 1846.	For punishing the Concealment of the Birth of Children within the District of Natal.	In force.
Ord. No. 23, 1846—Sept. 24, 1846.	For licensing Retail Shops within the District of Natal.	In force. <i>Vide</i> Ord. 3, 1850.
Ord. No. 24, 1846—Sept. 24, 1846.	For regulating the Due Collection, Administration, and Distribution of Insolvent Estates within the District of Natal.	In force. <i>Vide</i> Ord. 24, 1846; and 12, 1852; Laws 10, 1857; 27, 1863; and 7, 1866.
Ord. No. 25, 1846—Sept. 24, 1846.	For regulating the payment of the Expenses of Witnesses attending to give Evidence in Criminal Trials and Preparatory Examinations within the District of Natal.	Repealed by Law 33, 1865, § 1.
Ord. No. 26, 1846—Sept. 24, 1846.	For preventing the Mischiefs arising from the printing and pub-	Repealed by Law 9, 1858, § 1.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
	lishing within the District of Natal of Newspapers and Papers of a like nature by Persons not known, and for regulating the printing and publishing of such Papers in other respects; and also for restraining the abuse arising from the publication in the said District of Blasphemous and Seditious Libels.	
Ord. No. 32, 1846—Oct. 30, 1846.	For amending the Law regarding certain Rules of Court.	In force. <i>Vide</i> Law 10, 1857; and Rules of Court.
Ord. No. 33, 1846—Nov. 25, 1846.	For amending the Ordinance No. 2, 1846, entitled, "Ordinance for creating a Deeds' Registry Office for the District of Natal."	In force.
Ord. No. 2, 1847—Feb. 23, 1847.	For facilitating the apprehension and regulating the Mode of Conveyance of Deserters from Her Majesty's Land Forces within the District of Natal to their respective Corps; and for the more prompt Payment of Rewards and Expenses consequent thereupon.	Repealed by Law 12, 1867, § 1.
Ord. No. 5, 1847—March 30, 1847.	For the erection of Municipal Boards in the Towns and Villages of the District of Natal.	Repealed by Ord. 1, 1854, § 1.
Ord. No. 6, 1847—March 30, 1847.	For enabling the Lieutenant Governor of Natal to make provision for regulating the Dealing in and Possession of Firearms and Ammunition within the said District.	Repealed by Law 3, 1857, § 1.
Ord. No. 7, 1847—March 30, 1847.	For enabling the Lieutenant Governor of Natal to establish Public Pounds within the said District.	Repealed by Ord. 1, 1850, § 1.
Ord. No. 8, 1847—March 30, 1847. <i>Gazette</i> of 11th Feb., 1873.	For enabling the Lieutenant Governor of Natal to establish Markets within the said District.	In force.
Ord. No. 9, 1847—March 30, 1847.	For regulating the Sale of Wines and Spirituous and Fermented Liquors within the District of Natal.	In force. <i>Vide</i> Ord. 3, 1853; Laws 13, 1861; 23, 1863; 14, 1868; and 19, 1872.
Ord. No. 10, 1847—March 30, 1847.	For levying certain Duties upon Licenses and in lieu of Stamps within the District of Natal.	Repealed by Ord. 3, 1850, § 1.
Ord. No. 11, 1847—March 30, 1847.	For amending the Ordinance No. 4 of 1845, entitled, "Ordinance for erecting a District Court in " and for the District of Natal."	In force. <i>Vide</i> Ord. 18, 1856.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 12, 1847—March 30, 1847.	For the establishment and regulation of a Post Office and Postage within the District of Natal.	Repealed by Ord. 4, 1851 § 1.
Ord. No. 1, 1848—Nov. 20, 1848; Proclaimed, Sept. 17, 1849.	For authorising the taking of certain Fines by the Registrar of the District Court of Natal.	In force.
Ord. No. 2, 1848—Nov. 30, 1848; Proclaimed, Oct. 17, 1849.	For altering and amending the Ordinance No. 9, 1847, entitled, "Ordinance for regulating the Sale of Wines and Spirituous and Fermented Liquors within the District of Natal."	Virtually repealed by Ord. 3, 1853.
Ord. No. 3, 1848—Dec. 8, 1848; Proclaimed, Oct. 17, 1849.	For regulating the Trade in Gunpowder within the District of Natal.	Repealed by Law 3, 1857, § 1.
Ord. No. 4, 1848—Dec. 26, 1848; Proclaimed, Oct. 17, 1849.	For regulating the Trade carried on beyond the Land Boundaries of the District.	Repealed by Law 5, 1858, § 1.
Ord. No. 1, 1849—April 9, 1849; Proclaimed, Jan. 21, 1850.	For extending the Jurisdiction of the Resident Magistrates' Courts in certain Cases of Ejectment.	In force.
Ord. No. 2, 1849—July 3, 1849.	For provisionally vesting the Title in certain Lands in the Name of the Persons registered for the same; and for enabling such Persons to Mortgage the same.	Disallowed. <i>Vide</i> Proclamation, Jan. 14, 1851.
Ord. No. 3, 1849—June 23, 1849; Proclaimed, Nov. 4, 1850.	For repealing so much of the Ordinance No. 12, 1845, as is inconsistent with a Proclamation issued by the Lieutenant Governor of the District of Natal on the 21st day of June, 1849, and with the provisions of this Ordinance; and for providing for the Better Administration of Justice among the Natives.	Repealed by Law 26, 1875, § 1.
Ord. No. 4, 1849—Oct. 23, 1849; Proclaimed, Feb. 11, 1851.	For enabling the Board of Directors of the "Natal Fire Assurance and Trust Company" to sue and be sued in the name of their Secretary.	In force.
Ord. No. 5, 1849—Oct. 29, 1849.	For facilitating the Transfer of Small Allotments of Land to Emigrants from the United Kingdom.	In force. <i>Vide</i> Ord. 2, 1851; Laws 25, 1869, and 4, 1872.
Ord. No. 6, 1849—Oct. 29, 1849.	For imparting to Aliens residing within the District of Natal some of the privileges of Naturalization.	Repealed by Ord. 3, 1851, § 8.

CHRONOLOGICAL INDEX.

V

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 1, 1850—Feb. 19, 1850; Proclaimed, April 30, 1851.	For enabling the Lieutenant Governor to establish Pounds.	Repealed by Law 25, 1874, § 45.
Ord. No. 2, 1850—March 21, 1850.	For regulating the relative rights and duties of Masters, Servants, and Apprentices.	In force. <i>Vide</i> Ord. 13, 1852; Laws 18, 1862; 23, 1865; 12, 1872; 19, 1874; and 32, 1874.
Ord. No. 3, 1850—March 21, 1850; Proclaimed, April 30, 1851.	For repealing the Ordinance No. 10, 1847; and for levying Duties upon Licenses, and certain Stamp Duties.	In force.
Ord. No. 4, 1850—Dec. 7, 1850.	Supply for 1851.	Spent.
Ord. No. 5, 1850—Dec. 7, 1850; Proclaimed, Oct. 22, 1852.	For re-enacting an Ordinance, No. 14, 1846, entitled, "Ordinance " for creating a District Court in " and for the District of Natal;" and for giving validity to all acts which have been done on the presumption of the continuance of the same.	Repealed in the repeal of Ord. 14, 1846, by Law 10, 1857.
Ord. No. 6, 1850—Dec. 7, 1850; Proclaimed, Oct. 22, 1852.	For re-enacting an Ordinance, No. 2, 1846, entitled, "Ordinance " for erecting a Deeds' Registry " Office for the District of Natal;" and for giving validity to all acts which have been done on the presumption of the continuance of the same.	Virtually repealed by Law 16, 1875.
Ord. No. 1, 1851—Feb. 17, 1851; Proclaimed, Nov. 14, 1855.	For providing for the Regulation of Harbours.	In force.
Ord. No. 2, 1851—March 26, 1851; Proclaimed, Oct. 22, 1852.	For facilitating the Transfer of Lands to certain Immigrants into the District of Natal from the United Kingdom of Great Britain and Ireland.	In force. <i>Vide</i> Ord. 5, 1849; and Laws 25, 1869; and 4, 1872.
Ord. No. 3, 1851—March 26, 1851; Proclaimed, Oct. 22, 1852.	For imparting to Aliens residing within the District of Natal some of the privileges of Naturalization.	Repealed by Law 1, 1860, § 1. <i>Vide</i> Law 8, 1874.
Ord. No. 4, 1851—Dec. 4, 1851; Proclaimed, Nov. 14, 1855.	For regulating the Conveyance and Postage of Letters.	Repealed by Law 11, 1867, § 1.
Ord. No. 5, 1851—Dec. 6, 1851; Proclaimed, Oct. 22, 1852.	For regulating for One Year the Dealing in Gunpowder and Firearms within the District of Natal.	Expired.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 1, 1852—Jan. 31, 1852; Proclaimed, Oct. 22, 1852.	Supply for 1851; and Supplementary ditto for 1850.	Spent.
Ord. No. 2, 1852—Feb. 20, 1852; Proclaimed, Oct. 22, 1852.	For reducing the Duty chargeable on Sales by Public Auction.	Repealed by Law 32, 1874, § 1.
Ord. No. 3, 1852—April 20, 1852; Proclaimed, Nov. 8, 1852.	For creating the Office of Clerk of the Peace in the several Divisions of the District.	In force. <i>Vide</i> Ord. 18, 1845; and Law 18, 1856, and 14, 1869.
Ord. No. 4, 1852—April 23, 1852; Proclaimed, Nov. 8, 1852.	To provide for the more convenient Division of the District for certain purposes.	In force.
Ord. No. 5, 1852—May 18, 1852; Proclaimed, Nov. 8, 1852.	For enabling the Resident Magistrates to grant Process for the Arrest of Persons about to leave the District; and for the Attachment of Property about to be removed therefrom.	In force.
Ord. No. 6, 1852—May 18, 1852; Proclaimed, Nov. 8, 1852.	To amend and consolidate the Law relative to the Constitution and Formation of Juries.	Repealed by Law 10, 1871, § 2.
Ord. No. 7, 1852—May 18, 1852; Proclaimed, Nov. 8, 1852.	To introduce the Institution of Trial by Jury in Civil Cases.	Repealed by Law 10, 1871, § 2.
Ord. No. 8, 1852—May 18, 1852; Proclaimed, Nov. 8, 1852.	To extend the Jurisdiction of the Resident Magistrate of the Division or County of Durban in Civil Cases.	In force. <i>Vide</i> Ord. 16, 1846.
Ord. No. 9, 1852—Sept. 8, 1852; Proclaimed, March 26, 1853.	To amend the Ordinance No. 6, 1852, entitled, "An Ordinance to amend and consolidate the Law relative to the Constitution and Formation of Juries."	Repealed by Law 10, 1871, § 2.
Ord. No. 10, 1852—Oct. 1, 1852; Proclaimed, April 23, 1853.	Supplementary Supply for 1851-2.	Spent.
Ord. No. 11, 1852—Oct. 28, 1852; Proclaimed, July 14, 1853.	For establishing Imperial Weights and Measures.	In force.
Ord. No. 12, 1852—Nov. 22, 1852; Proclaimed, July 14, 1853.	For enabling the Lieutenant Governor to appoint Assistant Resident Magistrates within the District of Natal.	In force. <i>Vide</i> Ords. 18, 1845; 16, 1846; and 2, 1850; and Law 14, 1869.
Oct. No. 13, 1852—Nov. 22, 1852; Proclaimed, July 14, 1853.	For amending the Ordinance No. 2, 1850.	In force. <i>Vide</i> Law 13, 1859.
Ord. No. 1, 1853—Feb. 1, 1853; Proclaimed, Nov. 14, 1855.	Supply for 1853.	Spent.

CHRONOLOGICAL INDEX.

vii

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 2, 1853—Sept. 10, 1853.	For establishing the Natal Sugar Company.	Repealed by Ord. 7, 1854, § 1.
Ord. No. 3, 1853—Sept. 10, 1853; Proclaimed, April 24, 1854.	For altering and amending the Ordinance No. 9 of 1847, entitled, "Ordinance for regulating the Sale of Wines and Spirituous and Fermented Liquors within the District of Natal."	In force. <i>Vide</i> Ord. 9, 1847; Law 13, 1861; and 23, 1863.
Ord. No. 4, 1853—Sept. 10, 1853; Proclaimed, April 24, 1854.	For empowering the Lieutenant Governor to issue by Proclamation Orders and Regulations for Cutting Timber and Bush on Crown Lands.	In force.
Ord. No. 5, 1853—Sept. 29, 1853; Proclaimed, March 18, 1854.	Supplementary Supply, 1848, 1850, 1851, 1853.	Spent.
Ord. No. 6, 1853—Dec. 21, 1853; Proclaimed, Sept. 16, 1854.	For enabling certain Persons styled and acting as Commissioners and Officers for the Town or Municipality of Pietermaritzburg, in the District of Natal, to collect and enforce Payment of Rates, Rents, and Dues for the Year 1853, and of Arrears of previous Rates, Rents, and other Moneys; and for the Indemnification of such Persons.	Superseded by Ord. 1, 1854.
Ord. No. 7, 1853—Dec. 21, 1853.	To continue in force for a certain time Ordinance 1, 1853.	Spent.
Ord. No. 1, 1854—April 21, 1854; Proclaimed, Dec. 23, 1854.	For establishing Municipal Corporations within the District of Natal.	Repealed by Law 21, 1861, § 1.
Ord. No. 2, 1854—April 24, 1854; Proclaimed, Dec. 23, 1854.	For shortening the Language used in Ordinances.	In force.
Ord. No. 3, 1854—May 16, 1854.	To establish Local Councils; and to provide for the Better Government of the different parts of the District.	Repealed by Law 2, 1857, § 1.
Ord. No. 4, 1854—Aug. 31, 1854.	To establish and regulate Quarantine.	Repealed by Law 3, 1858, § 1.
Ord. No. 5, 1854—Oct. 16, 1854.	For incorporating the Bank of Natal.	Superseded by Private Law, 21 June, 1859.
Ord. No. 6, 1854—Oct. 16, 1854; Proclaimed, Sept. 10, 1855.	To empower the Lieutenant Governor to make Regulations to prevent the Importation and In-	Repealed by Law 9, 1871, § 1.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
	roduction into this District of Diseased Cattle; and to provide Measures of Protection against the Spread of Contagious or Infectious Diseases among Cattle.	
Ord. No. 7, 1854—Nov. 7, 1854; Proclaimed, Sept. 10, 1855.	To repeal the Ordinance No. 2, 1853, entitled, an "Ordinance for establishing the Natal Sugar Company."	In force.
Ord. No. 8, 1854—Nov. 15, 1854,	To promote the establishment of Volunteer Corps for the Defence of the District.	Repealed by Ord. 11, 1855, § 1.
Ord. No. 9, 1854—Nov. 1854; Proclaimed, May 6, 1856.	Supply for 1855.	Spent.
Ord. No. 1, 1855—Feb. 16, 1855; Proclaimed, Jan. 5, 1856.	To more effectually check and punish the Stealing of Cattle.	Repealed by Law 4, 1868, § 1. <i>Vide</i> Law 10, 1876.
Ord. No. 2, 1855—Feb. 16, 1855.	To prevent Unlicensed Squatting; and to regulate the Occupation of Land by the Natives.	In force. <i>Vide</i> Law 10, 1857.
Ord. No. 3, 1855—March 20, 1855; Proclaimed, Jan. 5, 1856.	For the improvement and better Regulation of the Harbour of Port Natal.	Repealed by Law 9, 1861, § 1.
Ord. No. 4, 1855—March 20, 1855; Proclaimed, July 7, 1856.	To prevent Natives being brought into this District.	<i>Vide</i> Law 15, 1871.
Ord. No. 5, 1855—March 20, 1855; Proclaimed, Jan. 5, 1856.	To prevent the Illegal Compounding of the Crime of Theft.	In force.
Ord. No. 6, 1855—May 22, 1855; Proclaimed, May 6, 1856. To take effect from June 6, 1856.	For the general Management and Regulation of the Customs in the District of Natal.	In force. <i>Vide</i> Law 18, 1866.
Ord. No. 7, 1855—May 22, 1855; Proclaimed, May 6, 1856. To take effect from June 6, 1856.	For levying certain Duties of Customs on Articles imported into the District of Natal.	Repealed by Law 19, 1859, § 1.
Ord. No. 8, 1855—Aug. 13, 1855; Proclaimed, May 6, 1856.	To regulate the Distillation of Spirituous Liquors within the District of Natal, and for the levying certain Duties on the Consumption thereof.	Repealed by Law 31, 1865, § 1.
Ord. No. 9, 1855—Sept. 12, 1855; Proclaimed, July 7, 1856.	Supplementary Supply for 1852, 1853, and 1854.	Spent.
Ord. No. 10, 1855—Sept. 12, 1855; Proclaimed, July 7, 1856.	Supply for 1856.	Spent.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 11, 1855—Sept. 12, 1855; Proclaimed, June 30, 1856.	To repeal the Ordinance No. 8, 1854, entitled, "An Ordinance "to promote the Establishment "of Volunteer Corps for the Defence of the District;" and to re-enact the said Ordinance, with certain amendments.	Repealed by Law 15, 1872.
Ord. No. 1, 1856—Jan. 15, 1856; Proclaimed, Nov. 10, 1856.	To grant to certain Natural-born Subjects of Great Britain and Ireland resident in this District the right to dispose by Last Will and Testament of their Real and Personal Property according to the Law of England.	In force. <i>Vide</i> Law 22, 1863.
Ord. No. 2, 1856—Jan. 15, 1856; Proclaimed, Nov. 10, 1856.	For promoting the Education of Coloured Youth in the District of Natal.	In force.
Ord. No. 3, 1856—Jan. 15, 1856; Proclaimed, Nov. 10, 1856.	To empower the Lieutenant Governor to make Regulations for Coolies introduced into this District from the East Indies.	Repealed by Law 2, 1870, § 1.
Ord. No. 4, 1856—Jan. 30, 1856; Proclaimed, Nov. 10, 1856.	To prohibit the Sale and Disposal of Spirits and other Intoxicating Liquors to Persons of the Native Race.	Repealed by Law 18, 1863, § 1.
Ord. No. 5, 1856—Feb. 11, 1856; Proclaimed, Nov. 10, 1856.	To empower the Lieutenant Governor to make Grants of Land to the American Board of Commissioners for Foreign Missions, and to enable it to hold the same.	In force. <i>Vide</i> Ord. 3, 1851; and Laws 7, 1858; and 23, 1874.
Ord. No. 6, 1856—Feb. 11, 1856; Proclaimed, Oct. 29, 1856.	To enable Persons not being Naturalized Subjects to hold Lands within the District.	In force. <i>Vide</i> Ord. 3, 1851; and Laws 7, 1858; and 28, 1874.
Ord. No. 7, 1856—Feb. 29, 1856; Proclaimed, Nov. 10, 1856.	For the due Prevention of taking Cattle into Umpanda's Country.	In force.
Ord. No. 8, 1856—May 21, 1856; Proclaimed, Dec. 29, 1856.	To alter and amend the Ordinance No. 14, 1845.	Virtually repealed by Law 10, 1857.
Ord. No. 9, 1856—Sept. 1, 1856.	To make Provision for the Admission of Duly Qualified Persons to practise in this District as Physicians, Surgeons, Surgeon-Accoucheurs, Apothecaries, Chemists and Druggists; and for the better regulating of the Sale of Drugs and Medicines.	In force.
Ord. No. 10, 1856—Oct. 18, 1856; Proclaimed, June 4, 1857.	To amend and extend the provisions of the Ordinance No. 1, 1854.	Repealed by Law 21, 1861.

No. and Date of Law.	Title, or Subject Matter.	If in Force, or if Repealed—How—Wholly or in part? Or how otherwise affected.
Ord. No. 11, 1856—Oct. 30, 1856; Proclaimed, June 4, 1857.	To indemnify the Consistory of the Dutch Reformed Church from all claims made, or that shall be made, since 1st June, 1856, upon the Residue of certain Funds administered by the said Consistory to the surviving Heirs of Dutch Emigrants killed by the Zulu Army in 1838.	In force.
Ord. No. 12, 1856—Nov. 4, 1856; Proclaimed, July 28, 1857.	Supply for 1855.	Spent.
Ord. No. 13, 1856—Nov. 18, 1856; Proclaimed, July 28, 1857.	Supplementary Supply for 1856.	Spent.
Ord. No. 14, 1856—Dec. 2, 1856; Proclaimed, Dec. 29, 1856.	For authorising the Importation into the Colony of Natal of Books, being Foreign Reprints of Books first composed or written, or printed or published, in the United Kingdom, and in which there shall be copyright.	In force.
Ord. No. 15, 1856—Dec. 2, 1856.	For incorporating the Natal Bank.	Disallowed. <i>Vide</i> Proclamation, Aug. 10, 1857.
Ord. No. 16, 1856—Dec. 4, 1856; Proclaimed, June 4, 1857.	To indemnify the Local Council of Victoria, constituted in the year 1854.	In force. <i>Vide</i> Law 2, 1857.
Ord. No. 17, 1856—Dec. 29, 1856; Proclaimed, July 28, 1857.	Supply for 1857.	Spent.
Ord. No. 18, 1856—Dec. 29, 1859; Proclaimed, June 4, 1857. Took effect, Jan. 31, 1857.	For abolishing the Office of Crown Prosecutor of Natal.	In force. <i>Vide</i> Ord. 18, 1845.
Law No. 1, 1857—April 21, 1857; Proclaimed, Dec. 14, 1857.	To secure Freedom of Speech and Debate or Proceedings in the Legislative Council, and to give Summary Protection to Persons employed in the Publication of its Papers.	In force.
Law No. 2, 1857—June 29, 1857; Proclaimed, Jan. 11, 1858.	For repealing the Local Councils Ordinance.	In force. <i>Vide</i> Ord. 16, 1856.
Law No. 3, 1857—July 10, 1857; Proclaimed, Jan. 11, 1858.	For regulating the Dealing in Gunpowder.	Repealed by Law 22, 1861, § 1.
Law No. 4, 1857—July 10, 1857.	For giving Validity to Contracts of Service made out of the Colony.	Disallowed. <i>Vide</i> Proclamation, Jan. 11, 1858.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 5, 1857—July 10, 1857; Proclaimed, Jan. 11, 1858.	For applying a Sum not exceeding £1,375, to be charged upon the Revenue of the Current Year, for the Conveyance of Mails between the Colony of Natal and the Cape of Good Hope.	Has had its effect.
Law No. 6, 1857—July 10, 1857; Proclaimed, Feb. 15, 1858.	For regulating the Taxation of Native Huts.	Repealed by Law 13, 1875, § 1.
Law No. 7, 1857—July 10, 1857; Proclaimed, Jan. 11, 1858.	For making further Provision for the service of the year 1857.	Spent.
Law No. 8, 1857—July 10, 1857.	For imposing a Tax upon Unoccupied Lands.	Disallowed. <i>Vide</i> Proclamation, Feb. 15, 1858.
Law No. 9, 1857—July 10, 1857; Proclaimed, Feb. 7, 1860. Took effect, Jan. 1, 1858; <i>Vide</i> Proclamation, Aug. 3, 1857.	For the Registration and Sale of Firearms.	Repealed by Law 11, 1862, § 1.
Law No. 10, 1857—July 10, 1857; Proclaimed, March 1, 1858. To take effect on April 15, 1858.	For the better Administration of Justice within the Colony of Natal.	In force. <i>Vide</i> Laws 11, 1859; 16, 1859; 16, 1863; 3 & 4 1864; 25, 1865; 9, 1866; 10, 1871; 7, 1872; 11, 1876; 12, 1876; and 11, 1877.
Law No. 1, 1858—April 10, 1858; Proclaimed, Jan. 10, 1859.	For charging a Sum of £2,500 upon the revenue of the past year, 1857.	Spent.
Law No. 2, 1858—April 10, 1858; Proclaimed, Nov. 1, 1858.	Supply for 1858.	Spent.
Law No. 3, 1858—April 10, 1858; Proclaimed, Feb. 7, 1860.	To amend the Law relating to Quarantine.	In force. <i>Vide</i> Law 10 1859,
Law No. 4, 1858—April 10, 1858; Proclaimed, Jan. 10, 1859.	For apportioning Quitrents upon the Subdivision of Fixed Property.	Repealed by Law 17, 1865, § 1.
Law No. 5, 1858—April 10, 1858; Proclaimed, Feb. 7, 1860.	For repealing Ordinance No. 4 of 1848.	In force.
Law No. 6, 1858—April 10, 1858.	For securing Free Trade in Money.	In force.
Law No. 7, 1858—April 10, 1858.	For enabling Aliens to hold Property in this Colony.	In force. <i>Vide</i> Law 23, 1874.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 8, 1858—April 10, 1858; Proclaimed, Jan. 10, 1859.	Supplementary Supply for 1858.	Spent.
Law No. 9, 1858—April 10, 1858; Proclaimed, Nov. 1, 1858.	To repeal Ordinance No. 26, 1846, extending to the District of Natal certain provisions of the Cape Ordinance No. 60, 1829, entitled, "Ordinance for preventing the Mischiefs arising from the printing and publishing Newspapers and Papers of a like nature by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and also for restraining the Abuses arising from the Publication of Blasphemous and Seditious Libels;" to enact other Regulations in lieu thereof; and to regulate the Transmission of Newspapers by Post.	In force. <i>Vide</i> Law 11, 1867.
Law No. 10, 1858—April 10, 1858; Proclaimed, Jan. 10, 1859.	For defraying the Expenses of certain Members of the Legislative Council of the Colony of Natal.	Repealed by Law 7, 1860, § 1.
Law No. 11, 1858—April 10, 1858; Proclaimed, Feb. 7, 1860.	To alter and amend the Law for the Registration and Sale of Firearms.	Virtually repealed by Law 11, 1862.
Law No. 12, 1858—April 10, 1858; Proclaimed, Jan. 10, 1859.	For the regulation of Building Societies.	In force.
Law No. 1, 1859—June 21, 1859; Proclaimed, March 14, 1860.	Supplementary Supply for 1858.	Spent.
Law No. 2, 1859—June 21, 1859; Proclaimed, March 14, 1860.	Supplementary Supply for 1858.	Spent.
Law No. 3, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	Supply for 1859.	Spent.
Law No. 4, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	Supplementary Supply for 1859.	Spent.
Law No. 5, 1859—June 21, 1859; Proclaimed, Feb. 7, 1860.	For preventing the Sale of Gunpowder and Firearms to, and prohibiting the possession of the same by, Natives.	In force. <i>Vide</i> Law 12, 1862.
Law No. 6, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	To provide for the holding of Branch Courts by the Resident Magistrates.	In force. <i>Vide</i> Ord. 16, 1846.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 7, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	For amending the third section of Law No. 4, 1858, entitled, "Law for apportioning Quitrents upon the Subdivision of Fixed Property."	Repealed by Law 17, 1865, § 1.
Law No. 8, 1859—June 21, 1859; Proclaimed, Feb. 7, 1860.	To amend the 33rd section of Law No. 9, 1857.	Repealed by Law 11, 1862, § 1.
Law No. 9, 1859—June 21, 1859; Proclaimed, Feb. 7, 1860.	For declaring the Number of Witnesses necessary to attest Acts or Deeds.	In force. <i>Vide</i> Laws 22, 1863; and 2, 1868.
Law No. 10, 1859—June 21, 1859; Proclaimed, Feb. 7, 1860.	To amend the Law No. 3, 1858, entitled, "Law to amend the " Law relating to Quarantine."	In force.
Law No. 11, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	To explain certain sections of the Law No. 10, 1857.	In force. <i>Vide</i> Laws 10, 1857; 4, 1864; and 11, 1877.
Law No. 12, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	For amending Ordinance No. 4, 1851, entitled, "An Ordinance regulating the Conveyance and " Postage of Letters."	Repealed by Law 10, 1862, § 1.
Law No. 13, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	To amend and regulate the Laws relating to the Introduction and Engagement of Immigrants from Territories to the Eastward of the Cape of Good Hope not within Her Majesty's Dominions in India.	In force. <i>Vide</i> Ords. 2, 1850; and 13, 1852; and Law 15, 1871.
Law No. 14, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	To provide for the Immigration of Coolies into this Colony at the Public Expense; and for the regulation and government of such Immigrants.	Repealed by Law 2, 1870, § 1.
Law No. 15, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	To enable Persons to introduce at their own expense, Immigrants from India.	Repealed by Law 2, 1870, § 1.
Law No. 16, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	To enable the Supreme Court to order Transfer of Land to be made in certain cases.	In force.
Law No. 17, 1859—June 21, 1859; Proclaimed, Feb. 7, 1860.	To regulate the Law of Evidence in the Colony of Natal.	In force. <i>Vide</i> Laws 13, 1862; and 5, 1870.
Law No. 18, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	Supply for 1860.	Spent.
Law No. 19, 1859—June 21, 1859; Proclaimed, Feb. 7, 1860.	For levying certain Duties of Customs in the Colony of Natal.	Repealed by Law 13, 1863, § 1.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 20, 1859—June 21, 1859; Proclaimed, Jan. 2, 1860.	Supplementary Supply for 1860.	Spent.
Private Law—June 21, 1859; Proclaimed, Oct. 7, 1860.	For the incorporation of the Natal Railway Company.	<i>Vide</i> Laws July 31, 1860; Aug. 3, 1863; and 18, 1876.
Private Law—June 21, 1859; Proclaimed, Jan. 2, 1860.	For incorporating the Natal Bank.	Repealed by Law 9, 1874, § 1.
Law No. 1, 1860—Feb. 9, 1860; Proclaimed, Aug. 7, 1860.	For facilitating the Naturalization of Aliens.	Repealed by Law 8, 1874, § 1.
Law No. 2, 1860—July 31, 1860; Proclaimed, Jan. 29, 1861.	Supply for 1861.	Spent.
Law No. 3, 1860—July 31, 1860; Proclaimed, Jan. 29, 1861.	Supplementary Supply for 1859.	Spent.
Law No. 4, 1860—July 31, 1860; Proclaimed, Jan. 29, 1861.	Supplementary Supply for 1860.	Spent.
Law No. 5, 1860—July 31, 1860; Proclaimed, Jan. 29, 1861.	To amend the Law for regulating the Payment of Transfer Duty on the Sale and Transfer of Immoveable Property.	<i>Vide</i> Laws 7, 1864, and 20, 1865.
Law No. 6, 1860—July 31, 1860; Proclaimed, Jan. 29, 1861.	To make further provision in respect of the substitution in certain cases, of Declarations for Oaths.	Repealed by Law 13, 1862, § 1.
Law No. 7, 1860—July 31, 1860; Proclaimed, Jan. 29, 1860.	To repeal Law No. 10, 1858; and to make provision for defraying the Expenses of certain Members of the Legislative Council of the Colony of Natal.	Repealed by Law 17, 1869, § 1.
Law No. 8, 1860—Oct. 9, 1849; Proclaimed, Oct. 9, 1860.	For raising a Loan of £165,500.	In force. <i>Vide</i> Law 16, 1871.
Private Law—July 31, 1860.	Law to amend the Law entitled, a "Law for the Incorporation of the Natal Railway Company," passed on the 21st day of June, 1859.	In force. <i>Vide</i> Laws 18, 1876; 3, 1877; 2, 1878; 3, 1878; and 4, 1878.
Law No. 1, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	Supplementary Supply for 1860.	Spent.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 2, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	Supplementary Supply for 1861.	Spent.
Law No. 3, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	For authorising the expenditure of a sum not exceeding £32,000 towards the Construction of Works to improve the Harbour of Natal.	Spent.
Law No. 4, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	Supplementary Supply for 1861.	Spent.
Law No. 5, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	Supplementary Supply for 1861.	Spent.
Law No. 6, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	Supplementary Supply for 1861.	Spent.
Law No. 7, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	Supplementary Supply for 1862.	Spent.
Law No. 8, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	For the better Collection of Quit Rents and other Land Rents.	Repealed by Law 19, 1863, § 1.
Law No. 9, 1861—Aug. 16, 1861.	To repeal Ordinance No. 3, 1855, entituled, "Ordinance for the "Improvement and better Regu- "lation of the Harbour of Port "Natal."	In force.
Law No. 10, 1861—Aug. 16, 1861.	To make further provision in re- spect of the Substitution of De- clarations for Oaths.	Repealed by Law 13, 1862, § 1.
Law No. 11, 1861—Aug. 16, 1861; Proclaimed, Feb. 26, 1862.	To amend and explain certain por- tions of the Law No. 19, 1859, being a "Law for levying certain "Duties of Customs in the Colony "of Natal."	Repealed by Law 13, 1863, § 1.
Law No. 12, 1861—Aug. 16, 1861.	To declare the Law in respect to Ordinance No. 2, 1850.	Disallowed. <i>Vide</i> Procla- mation, Feb. 27, 1862.
Law No. 13, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	For amending Ordinance No. 9, 1847, and No. 3, 1853, entituled, "Ordinance for regulating the "Sale of Wines and Spirituous "and Fermented Liquors within "the District of Natal."	In force. <i>Vide</i> Law 23, 1878.
Law No. 14, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	For amending the Law regarding the Period of Time by the lapse of which certain Suits and Ac- tions become barred by Prescrip- tion.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 15, 1861—Aug. 16, 1861; Proclaimed, March 26, 1862.	For the organization and regulation of an Armed and Mounted Police Force, and of an Armed Colonial Engineer Force of Sappers and Miners within the Colony of Natal.	Repealed by Law 4, 1874, § 1.
Law No. 16, 1861—Aug. 16, 1861; Proclaimed, Feb. 27, 1862.	For improving the Administration of Criminal Justice.	In force.
Law No. 17, 1861—Aug. 16, 1861; Proclaimed, March 26, 1862.	For the conversion of Quitrent Tenures into Freehold Tenures.	In force
Law No. 18, 1861—Aug. 16, 1861; Proclaimed, Nov. 7, 1862.	For establishing, regulating, and providing for the Pietermaritzburg Collegiate Institution.	In force
Law No. 19, 1861—Aug. 16, 1861; Proclaimed, Nov. 7, 1862.	For establishing, regulating, and providing for the Durban Collegiate Institution.	In force.
Law No. 20, 1861—Aug. 16, 1861; Proclaimed, March 26, 1862.	To prevent the Spread of the Growth of the <i>Xanthium Spinosum</i> Burr Weed.	Repealed by Law 38, 1874, § 1.
Law No. 21, 1861—Aug. 16, 1861; Proclaimed, March 26, 1862.	For improving and consolidating the Laws in regard to Municipal Corporations.	Repealed by Law 21, 1862, § 1.
Law No. 22, 1861—Aug. 16, 1861.	To amend the Laws regulating the Dealing in Gunpowder.	Repealed by Law 12, 1862, § 1.
Law No. 1, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	Supplementary Supply for 1861.	Spent.
Law No. 2, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	Supply for 1862.	Spent.
Law No. 3, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	Supplementary Supply for 1862.	Spent.
Law No. 4, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	Supplementary Supply for 1862.	Spent.
Law No. 5, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	For authorising the expenditure of a sum not exceeding £60,000 towards the Construction of the Works to improve the Harbour of Natal.	Spent.
Law No. 6, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	Supply for 1863.	Spent.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
LAW No. 7, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	Supplementary Supply for 1863.	Spent.
LAW No. 8, 1862—Aug. 13, 1862; Proclaimed, Jan. 12, 1863.	To prevent the Exportation of Arms, Ammunition, Gunpowder, and certain Military and Naval Stores and other articles.	In force.
LAW No. 9, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	To enable the Lieutenant Governor of the Colony of Natal to appoint Courts or Tribunals to inquire into Charges of Incompetency or Misconduct of Masters or Mates of Ships, or to inquire into Shipwrecks or other Casualties affecting Ships.	Repealed by Law 24, 1875, § 1.
LAW No. 10, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	For the Regulation of the Duties on Inland Postage.	Repealed by Law 11, 1867, § 1.
LAW No. 11, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	To make better provision relative to the Importation, Registration, and Sale of Arms.	<i>Vide</i> Laws 17, 1874, and 6, 1876.
LAW No. 12, 1862—Aug. 13, 1862; Proclaimed, Jan. 12, 1863.	To amend the Law regulating the Dealing in Gunpowder.	<i>Vide</i> Laws 5, 1859; 12, 1863; 12, 1865; 22, 1872; and 6, 1876.
LAW No. 13, 1862—Aug. 13, 1862; Proclaimed, Jan. 12, 1863.	To make further provision in respect of the Substitution in certain cases of Declarations for Oaths.	In force. <i>Vide</i> Laws 14, 1869; 2, 1870; and 5, 1870.
LAW No. 14, 1862—Aug. 13, 1862; Proclaimed, Jan. 12, 1863.	To enable the Lieutenant Governor to make Rules and Regulations for the Maintenance of Order in the Public Gaols of the Colony.	<i>Vide</i> Laws 6, 1870, and 8, 1876.
LAW No. 15, 1862—Aug. 13, 1862; Proclaimed, Jan. 12, 1863.	To declare Public Holidays; and the Law in relation to Bills of Exchange and Promissory Notes becoming payable upon Holidays.	In force. <i>Vide</i> Law 2, 1870.
LAW No. 16, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	To regulate in certain respects the conduct of Inland Trade by Persons residing in the Colony.	In force. <i>Vide</i> Law 6, 1876.
LAW No. 17, 1862—Aug. 13, 1862.	To facilitate the Apprehension of certain Offenders.	Disallowed. <i>Vide</i> Proclamation, Oct. 11, 1863.
LAW No. 18, 1863—Aug. 13, 1863; Proclaimed, Jan. 12, 1863.	To declare the Law in respect to Ordinance No. 2, 1850.	<i>Vide</i> Law 23, 1865, and 15, 1871.
LAW No. 19, 1862—Aug. 13, 1862; Proclaimed, Feb. 2, 1863.	To promote the Establishment of Rifle Associations for the Defence of this Colony.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 20, 1862—Aug. 13, 1862; Proclaimed, Jan. 12, 1863.	For the Encouragement and Relief of Friendly Societies.	In force.
Law No. 21, 1862—Aug. 13, 1862; Proclaimed, Jan. 12, 1863.	Amending and consolidating the Laws in regard to Municipal Corporations.	Repealed by Law 19, 1872, § 2.
Law No. 22, 1862—Sept. 1, 1862; Proclaimed, Jan. 12, 1863.	To remedy certain defects in Law No. 21 of 1862.	Repealed by Law 19, 1872, § 2.
Private Law — Aug. 13, 1862; Proclaimed, March 30, 1863.	To repeal sections 6, 10, 12, 20, 28, 39, 44, and 47 of the Law for Incorporating the Natal Bank, and to make provisions in lieu thereof.	Repealed by Law 9, 1874, § 69.
Private Law — Aug. 13, 1862.	For incorporating the Commercial and Agricultural Bank of Natal.	In force.
Private Law—March 28, 1862; Proclaimed, Sept. 1, 1862.	To enable the Natal Land and Colonization Company (Limited) to purchase and hold and transfer Lands and Immoveable Property in Natal.	In force.
Law No. 1, 1863—June 13, 1863; Proclaimed, Dec. 28, 1863.	To declare Thursday the Eighteenth day of June One thousand eight hundred and sixty-three a Public Holiday.	Has had its effect.
Law No. 2, 1863—July 24, 1863; Proclaimed, Feb. 2, 1864.	Supplementary Supply for 1861.	Spent.
Law No. 3, 1863—July 24, 1863; Proclaimed, Feb. 2, 1864.	Supplementary Supply for 1862.	Spent.
Law No. 4, 1863—July 24, 1863; Proclaimed, Feb. 2, 1864.	Supplementary Supply for 1863.	Spent.
Law No. 5, 1863—July 24, 1863; Proclaimed, Feb. 2, 1864.	Supply for 1864.	Spent.
Law No. 6, 1863—July 24, 1863; Proclaimed, Dec. 28, 1863.	For authorising the expenditure of a Sum not exceeding £11,000 towards the construction of the Works to improve the Harbour of Natal.	Spent.
Law No. 7, 1863—July 24, 1863; Proclaimed, Feb. 2, 1864.	To make provision for payment of a Sum of £200 sterling for the Conveyance of Official Messages per Electric Telegraph Line.	In force. <i>Vide</i> Laws 11, 1863; 6, 1864; and 5, 1874.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 8, 1863—July 24, 1863; Proclaimed, Dec. 28, 1863.	To enable the Lieutenant Governor of Natal to enter into arrangements for the Conveyance of Her Majesty's Mails to and from the Cape of Good Hope and the Colony of Natal; and to make provision for the Payment of the same from the Colonial Revenue.	In force.
Law No. 9, 1863—July 28, 1863.	To amend Post Office Ordinance No. 4, 1851.	Repealed by Law 11, 1867, § 1.
Law No. 10, 1863—July 28, 1863; Proclaimed, Dec. 28, 1863.	To declare the Law in regard to Leases and Mortgage Bonds on Leases.	In force. <i>Vide</i> Law 7, 1864.
Law No. 11, 1863—July 28, 1863.	For the Construction and Regulation of Electric Telegraphs.	In force. <i>Vide</i> Laws 6, 1864; and 5, 1874.
Law No. 12, 1863—July 28, 1863; Proclaimed, Dec. 28, 1863.	To allow the Importation of Cartridges and Percussion Caps in certain cases.	In force. <i>Vide</i> Law 6, 1876.
Law No. 13, 1863—July 29, 1863; Proclaimed, Feb. 2, 1864.	For levying certain Duties of Customs within the Colony of Natal.	Repealed by Law 1, 1867, § 1.
Law No. 14, 1863—July 29, 1863; Proclaimed, Dec. 28, 1863.	To amend Law No. 12, 1862, entitled, "Law to amend the Law regulating the Dealing in Gun-powder."	Expired.
Law No. 15, 1863—July 29, 1863; Proclaimed, Feb. 2, 1864.	Supplementary Supply for 1864.	Spent.
Law No. 16, 1863—July 29, 1863; Proclaimed, Feb. 2, 1864.	For increasing the Salaries of the Chief Justice and Puisne Judges of the Supreme Court.	Repealed by Law 11, 1876, § 1.
Law No. 17, 1863—July 30, 1863; Proclaimed, Dec. 28, 1863.	For the Regulation and Management of Public Wharves and other Landing Places.	In force.
Law No. 18, 1863—July 30, 1863; Proclaimed, Dec. 28, 1863.	To amend Ordinance No. 4, 1856, entitled, "Ordinance to prohibit the Sale and Disposal of Spirits and other Intoxicating Liquors to Persons of the Native Race."	Repealed by Law 22, 1878.
Law No. 19, 1863—July 30, 1863; Proclaimed, Dec. 28, 1863.	For the better Collection of Quit-rents and other Land Rents.	Repealed by Law 16, 1876, § 1.
Law No. 20, 1863—Aug. 3, 1863.	To regulate the Payment to be made by the Masters or Employers of Coolie Immigrants.	Repealed by Law 2, 1870, § 1.

No. and Date of Law.	Title, or Subject Matter.	If in Force, or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 21, 1863—Aug. 3, 1863; Proclaimed, Dec. 28, 1863.	For the conversion of certain Quit-rent Tenures into Freehold Tenures of Lands granted under Proclamations of 11th March and 7th July, 1856.	In force.
Law No. 22, 1863—Aug. 3, 1863; Proclaimed, Dec. 28, 1863.	To prevent Community of Goods attaching to certain Marriages, and to enable the Spouses of such Marriages to devise their Properties.	In force. <i>Vide</i> Law 17, 1871.
Law No. 23, 1863—Aug. 3, 1863; Proclaimed, Dec. 28, 1863.	To amend Ordinance No. 9, 1847, entitled, "Ordinance for regulating the Sale of Wines, Spirits, and Fermented Liquours, within the District of Natal."	In force. <i>Vide</i> Law 23, 1878.
Law No. 24, 1863—Aug. 4, 1863; Proclaimed, Feb. 2, 1864.	Supplementary Supply for 1863.	Spent.
Law No. 25, 1863—Aug. 4, 1863; Proclaimed, Feb. 2, 1864.	Supplementary Supply for 1864.	Spent.
Law No. 26, 1863—Aug. 4, 1863; Proclaimed, Dec. 28, 1863.	To promote the Establishment of a Volunteer Mounted Burgher Force for the Defence of the Colony.	Repealed by Law 19, 1865, § 1.
Law No. 27, 1863—Aug. 4, 1863; Proclaimed, Dec. 28, 1863.	To amend Ordinance No. 24, 1846, entitled, "Ordinance for regulating the due Collection, Administration, and Distribution of Insolvent Estates within the District of Natal."	In force. <i>Vide</i> Law 11 1872.
Law No. 28, 1863—Aug. 5, 1863; Proclaimed, Dec. 28, 1863.	To legalise certain Acts of the Corporations of the Boroughs of Pietermaritzburg and Durban.	In force.
Private Law—July 27, 1863; Proclaimed, Dec. 28, 1863.	To extend the Powers of the Council of the Borough of Durban for Sanitary Purposes.	In force
Private Law—July 30, 1863; Proclaimed, Dec. 28, 1863.	To extend the Powers of the Council of the Borough of Durban in the raising of Funds for the Prosecution of Public Works and other Public Purposes.	In force
Private Law—Aug. 3, 1863	For further amending the Law entitled, a "Law for the Incorporation of the Natal Railway Company," passed on the 21st day of June, 1859; and for conferring further Powers and Indemnities on the said Company.	In force. <i>Vide</i> Law 18, 1876.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 1, 1864—Jan. 29, 1864; Proclaimed, June 27, 1864.	For increasing the Salaries of the Governor and other Officers named in the Civil List of Her Majesty's Charter.	In force.
Law No. 2, 1864—July 18, 1864.	Supplementary Supply for 1864.	Spent.
Law No. 3, 1864—Sept. 16, 1864; Proclaimed, March 31, 1865.	To amend section 12 of Law No. 10, 1857.	In force.
Law No. 4, 1864—Sept. 16, 1864; Proclaimed, March 31, 1865.	To amend the Law No. 11, 1859.	In force.
Law No. 5, 1864—Sept. 16, 1864; Proclaimed, March 31, 1865.	To change the Boundaries of Boroughs in certain cases.	In force.
Law No. 6, 1864—Sept. 16, 1864; Proclaimed, March 31, 1865.	For securing Precedence to Public Telegrams.	In force. <i>Vide</i> Law 5, 1874.
Law No. 7, 1864—Sept. 16, 1864; Proclaimed, March 31, 1865.	To amend the Law No. 10, 1863.	In force.
Law No. 8, 1864—Sept. 16, 1864; Proclaimed, March 31, 1865.	To prevent the Spread of the Horse Disease called Glanders.	In force.
Law No. 9, 1864—Sept. 16, 1864; Proclaimed, March 31, 1865.	To declare the Law relating to the Fraudulent Marking of Mer- chandise.	In force.
Law No. 10, 1864—Sept. 16, 1864; Proclaimed, Aug. 14, 1865.	To limit the Liability of certain Joint Stock Companies.	In force. <i>Vide</i> Laws 18, 1865; and 19, 1866.
Law No. 11, 1864—Sept. 16, 1864; Proclaimed, May 1, 1865.	For relieving certain Persons from the operation of Native Law.	Repealed by Law 28, 1865, § 1.
Law No. 12, 1864—Sept. 16, 1864; Proclaimed, May 1, 1865.	To enable certain Natives to dis- pose of Immoveable Property; and to regulate the Devolution of Immoveable Property in cases of Intestacy.	In force.
Law No. 13, 1864—Sept. 17, 1864; Proclaimed, March 31, 1865.	Supply for 1865.	Spent.
Law No. 14, 1864—Sept. 17, 1864; Proclaimed, March 31, 1865.	To repeal the 37th section of the Ordinance No. 18, 1845, and to made other provisions in lieu thereof.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 15, 1864—Sept. 17, 1864; Proclaimed, May 1, 1865.	To raise a Loan for the Introduction of Coolies into the Colony of Natal.	In force. <i>Vide</i> Law 16, 1871.
Law No. 16, 1864—Sept. 16, 1864. To take effect, May 16, 1865; <i>Vide</i> Proclamation, May 11, 1865.	Empowering the Lieutenant Governor to pay Interest on any Loan raised for the Introduction of Indian Immigrants out of the Immigration Fund; and to pay out of the General Revenues of the Colony one-third of the Cost attendant on Introduction of such Immigrants.	Repealed by Law 14, 1875, § 1.
Law No. 17, 1864—Sept. 17, 1864. To take effect, May 16, 1865; <i>Vide</i> Proclamation, May 11, 1865.	To extend Terms of Assignment of Coolie Immigrants from Three to Five Years.	Repealed by Law 2, 1870, § 1.
Law No. 18, 1864—Sept. 26, 1864; Proclaimed, May 1, 1865.	To regulate the Payments to be made by the Masters or Employers of Coolie Immigrants.	Repealed by Law 2, 1870, § 1.
Law No. 19, 1864—Sept. 26, 1864; Proclaimed, March 31, 1865.	Supplementary Supply for 1864.	Spent.
Law No. 20, 1864—Sept. 26, 1864; Proclaimed, March 31, 1865.	Supplementary Supply for 1865.	Spent.
Law No. 21, 1864—Sept. 26, 1864.	To enable the Lieutenant Governor to impose a Special Tax on Immoveable Property to defray a Moiety of any Guaranteed Interest paid to the Natal Central Railway Company.	Repealed by Law 5, 1872, § 56; and Law 6, 1874, § 1.
Law No. 22, 1864—Sept. 26, 1864.	To enable the Lieutenant Governor of Natal, under certain conditions, to pay Guaranteed Interest to the Natal Central Railway Company.	Repealed by Law 5, 1872, § 56; and Law 6, 1874, § 1.
Law No. 23, 1864—Sept. 26, 1864; Proclaimed, March 31, 1865.	Supplementary Supply for 1863.	Spent.
Private Law—Sept. 16, 1864; Proclaimed, Jan. 31, 1866.	For incorporating the Colonial Bank of Natal.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Private Law — Sept. 16, 1864; Proclaimed, June 27, 1865.	For empowering the Natal Bank to increase its Capital from £120,000 sterling to £500,000 sterling; and to repeal so much of section 4 of the "Law for incorporating the "Natal Bank," as relates to the Restriction of the Amount of the Capital of the said Bank to the Sum of £120,000 sterling.	Repealed by Law 9, 1874, § 69.
Private Law — Sept. 16, 1864; Proclaimed, March 31, 1865.	To enable the Cotton Plantation Company of Natal (Limited) to hold, acquire, and purchase, and transfer, exchange, or mortgage, or otherwise deal with Lands and other Immoveable Property in Natal; and to do such other things as may be incidental to the objects of the Company.	In force.
Private Law — Sept. 16, 1864; Proclaimed, March 31, 1865.	To enable the Council of the Borough of Durban to fence Erven or Subdivisions of Erven situate within the Borough along the Line of Streets at the Cost of the respective Proprietors thereof; and to enable the Council of the said Borough to recover the Expenses incurred by it in so doing.	In force. <i>Vide</i> Law 19, 1872.
Private Law — Sept. 16, 1864; Proclaimed, March 31, 1865.	To authorise the Council of the Borough of Durban to grant Leases without submitting the same to Public Competition in lieu of and in exchange for other Leases granted by the Council of Land now claimed by Her Majesty's War Department; and also to enable the Council to take on Lease for Public Purposes any Lands or Houses situate within the Borough.	In force. <i>Vide</i> Law 19, 1872.
Private Law — Sept. 26, 1864; Proclaimed, March 31, 1865.	To enable, authorise, and empower the Council of the Borough of Durban to negotiate, contract for, and raise a Loan, either in England, this Colony, or elsewhere, not exceeding the sum of £50,000 sterling.	Repealed by Law 24th Aug., 1865.
Private Law — Sept. 26, 1864; Proclaimed, March 31, 1865.	To empower the Corporate Council of the Borough of Pietermaritzburg to raise by Loan or otherwise, either in this Colony or elsewhere, Moneys not exceeding the Sum of £50,000.	In force. <i>Vide</i> Law 3rd Aug., 1866.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Private Law — Sept. 26, 1864. Not confirmed. <i>Vide</i> Proclamation, April 10, 1864.	For empowering the Natal Coal Company to purchase and take on lease Lands for Mining Purposes to carry on Mining Operations; to construct and maintain a Railway from Pietermaritzburg to the Coal Districts in the County of Klip River; to purchase, sell, hold, own, and charter Ships for the Exportation of Minerals; and for conferring on the Company certain Privileges and Concessions.	Repealed by Laws 5, 1872, § 56; and 6, 1874, § 1.
Private Law — Sept. 26, 1865.	To authorise the Natal Railway Company and the Natal Central Railway Company (Limited) to contract for the Sale and Purchase of the Line, Rolling Stock, Plant, Leases, and Effects of the Natal Railway; and to make provisions for carrying any such Contract into effect.	Repealed in repeal of following Law.
Private Law — Sept. 26, 1864. Not confirmed. <i>Vide</i> Proclamation, April 10, 1866.	For empowering the Natal Central Company (Limited) to construct a Railway between the City of Pietermaritzburg and the Borough of Durban.	Repealed by Laws 5, 1872, § 56; and 6, 1874, § 1.
Law No. 1, 1865—April 22, 1865; Proclaimed, Aug. 14, 1865.	To limit the Liability of the Members of certain Partnerships.	In force. <i>Vide</i> Law 18, 1865.
Law No. 2, 1865—Aug. 24, 1865; Proclaimed, Feb. 1, 1866.	Supplementary Supply for 1864.	Spent.
Law No. 3, 1865—Aug. 24, 1865.	Supplementary Supply for 1865.	Spent.
Law No. 4, 1865—Aug. 24, 1865.	Supplementary Supply for 1865.	Spent.
Law No. 5, 1865—Aug. 24, 1865.	Supply for 1866.	Spent.
Law No. 6, 1865—Aug. 24, 1865.	Supplementary Supply for 1866.	Spent.
Law No. 7, 1865—Aug. 24, 1865.	Supplementary Supply for 1866.	Spent.
Law No. 8, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To prevent the Running at Large of Stallions.	In force. <i>Vide</i> Law 25, 1874.
Law No. 9, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To empower the Lieutenant Governor to nominate Justices of the Peace within the Colony to issue the Process of the Supreme	In force.

No. and Date of Law.	Title, or Subject Matter,	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
	Court or other competent Court under Ordinance No. 5, 1852, for the Arrest of Persons about to leave the Colony, and for the Attachment of Property about to be removed therefrom.	
Law No. 10, 1865—Aug. 24, 1865.	For transferring to one of Her Majesty's Principal Secretaries of State the Powers and Properties vested in this Colony in the Officers of the Ordinance.	In force.
Law No. 11, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	Disqualifying certain Natives from exercising Electoral Franchise.	In force.
Law No. 12, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To amend Law No. 12, 1862, entitled, "Law regulating the "Dealing in Gunpowder."	In force. <i>Vide</i> Laws 22, 1872; and 6, 1876.
Law No. 13, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To regulate the employment of Wagons and other Vehicles on the Public Roads and Streets within the Colony of Natal.	In force. <i>Vide</i> Law 31, 1874.
Law No. 14, 1865—Aug. 24, 1865; Proclaimed, Jan. 31, and April 30, 1866.	To declare that the Laws of Natal shall take effect in the newly-annexed Territory ceded by Faku.	In force.
Law No. 15, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To cancel and remove certain Servitudes lately attaching to certain pieces of Land, now the property of the Colonial Government.	In force.
Law No. 16, 1865—Aug. 24, 1865; Proclaimed, March 12, 1866.	To regulate the Retiring Pensions of the Judges of the Supreme Court.	Repealed by Law 12, 1876, § 1. <i>See vide</i> Laws 11 and 12, 1876.
Law No. 17, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	For apportioning and redeeming Quitrents upon the Subdivision of Fixed Property.	In force. <i>Vide</i> Law 16, 1876.
Law No. 18, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To amend the Law No. 10 of 1864, entitled, "Law to limit the Liability of Members of certain "Joint-stock Companies."	In force.
Law No. 19, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To amend Law No. 26, 1863, entitled, "Law to promote the "Establishment of a Volunteer "Mounted Burgher Force for the "Defence of the Colony."	In force.
Law No. 20, 1865—Aug. 24, 1865; Proclaimed, March 12, 1866.	To exempt Growing Crops and Machinery from the Payment of Transfer Duty on being sold along with the Lands on which they are growing or to which they are attached.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 21, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To prevent the indiscriminate Burning of Grass.	In force. <i>Vide</i> Laws 9, 1870; and 21, 1874.
Law No. 22, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To enable the Town Council of the Borough of Durban to sell or to lease Lands to the Colonial Government of Natal without putting up the same so Public Competition.	In force.
Law No. 23, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To facilitate the determination of Complaints between Masters and Servants.	In force. <i>Vide</i> Law 15, 1871.
Law No. 24, 1865—Aug. 24, 1865; Proclaimed, Feb. 12, 1866.	For authorising the expenditure of a Sum not exceeding £10,000 towards the Construction of the Works to improve the Harbour of Natal.	Spent.
Law No. 25, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To repeal Ordinance No. 32, 1846, and to amend the Law in regard to the charges of certain Officers of the Supreme Court.	In force.
Law No. 26, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To amend the Ordinance No. 11, 1855, entitled, "Ordinance to repeal the Ordinance No. 8, 1854, entitled, an 'Ordinance 'to promote the Establishment 'of Volunteer Corps for the 'Defence of the District;' and 'to re-enact the said Ordinance 'with certain amendments."	Expired.
Law No. 27, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	For the amendment of the Law relating to Public Pounds.	Repealed by Law 25, 1874, § 45.
Law No. 28, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	For relieving certain Persons from the operation of Native Law.	In force.
Law No. 29, 1865—Aug. 24, 1865.	To declare and amend the Law No. 14, 1859, entitled, "Law to provide for the Immigration of "Coolies into this Colony at the "Public Expense; and for the "Regulation and Government of "such Immigrants."	Repealed by Law 2, 1870, § 1.
Law No. 30, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To amend the Ordinance No. 6, 1855, entitled, "Ordinance for "the general Management and "Regulation of the Customs in "the District of Natal."	Repealed by Law 18, 1866, § 1.
Law No. 31, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To amend the Law as to the Distillation of Spirituous Liquors.	Repealed by Law 14, 1868, § 1.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 32, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To prevent the Spread of the Scab Disease in Sheep.	Repealed by Law 26, 1878, § 1.
Law No. 33, 1865—Aug. 24, 1865; Proclaimed, April 30, 1866.	To amend the Law for regulating the Payment of the Expenses of Witnesses attending to give Evidence on Criminal Trials and Preparatory Examinations within the Colony of Natal.	In force. <i>Vide</i> Laws 9, 1868; and 10, 1877.
Private Law—Aug. 24, 1865; Proclaimed, April 30, 1866.	To enable, authorise, and empower the Council of the Borough of Durban to negotiate, contract for, and raise, by Loan or otherwise, either in England, in this Colony, or elsewhere, Moneys not exceeding the Sum of £50,000 sterling; and also, if necessary, to enable the said Town Council, with the sanction of the Lieutenant Governor, to sell any of the Town Lands yet remaining unsold or unlet to the extent of five-eighth parts of such Lands as well as those already leased, either in Freehold or by nominal Quitrent, with bonus, or under any other manner of holding as the said Town Council shall deem most expedient.	Repealed by Law 12th Dec., 1866, § 1.
Private Law—Aug. 24, 1865; Proclaimed, April 30, 1866.	To legalise certain arrangements made by the Corporation of the Borough of Durban for granting New Leases to certain Holders of Leases granted before the passing of the Law No. 21, 1862; and to enable the said Town Council to grant such new Leases; and to authorise and empower the said Town Council to carry into effect such arrangements, on payment by the present or future Tenants of a Bonus.	In force. <i>Vide</i> Law 18, 1876.
Private Law—Aug. 24, 1865; Proclaimed, April 30, 1866.	To enable the Natal Railway Company to contract with the Natal Government for a Lease of the Umgeni Extension Railway, and for the Carriage of Stone from the Umgeni Quarries to the Harbour Works over the same; and to enable the said Company to run Trains for the Public Convenience over the same, and to take Tolls therefor.	<i>Vide</i> Law 18, 1876.
Law No. 1, 1866—Aug. 3, 1866; Proclaimed, Jan. 19, 1867.	Supplementary Supply for 1865.	Spent.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 2, 1866—Aug. 3, 1866; Proclaimed, Jan. 19, 1867.	Supplementary Supply for 1866.	Spent.
Law No. 3, 1866—Aug. 3, 1866; Proclaimed, Jan. 19, 1867.	Supply for 1867.	Spent.
Law No. 4, 1866—Aug. 3, 1866; Proclaimed, Jan. 19, 1867.	Supplementary Supply for 1867.	Spent.
Law No. 5, 1866—Aug. 3, 1866; Proclaimed, Jan. 19, 1867.	For authorising the expenditure of a Sum not exceeding £20,000 towards the Construction of the Works to improve the Harbour of Natal.	Spent.
Law No. 6, 1866—Aug. 3, 1866; Proclaimed, Jan. 19, 1867.	To authorise the Levying and Collection of Dues within the Colony of Natal in respect to the Little Bases Light Vessel at Ceylon.	In force.
Law No. 7, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To amend the Ordinance No. 24, 1846, entitled, "Ordinance for regulating the due Collection, Administration, and Distribution of Insolvent Estates within the District of Natal;" and to make provisions to secure a more expeditious appointment of Trustees, and Liquidation and Distribution of such Estates.	In force. <i>Vide</i> Laws 21 and 22, 1868; 11, 1869; and 11, 1872.
Law No. 8, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To make provision for the Destruction of certain Noxious Animals within the Colony of Natal.	Repealed by Law 12, 1868, § 1.
Law No. 9, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	For making better provision for the Holding of the Circuit Court for the District of Durban.	In force. <i>Vide</i> Laws 15, 1868; and 9, 1878.
Law No. 10, 1866—Aug. 3, 1866; Proclaimed, Oct. 29, 1867.	To prevent the indiscriminate Destruction of certain Valuable Wild Animals within the Colony of Natal.	In force.
Law No. 11, 1866—Aug. 3, 1866.	To amend the Law No. 12, 1862, entitled, "Law to amend the Law regulating the Dealing in Gunpowder."	Disallowed. <i>Vide</i> Proclamation, March 8, 1867.
Law No. 12, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To alter and amend Ordinance No. 4, 1851, entitled, "Ordinance for regulating the Conveyance and Postage of Letters."	Repealed by Law 11, 1867, § 1.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 13, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To empower the Lieutenant Governor to prohibit the Importation and Introduction into the Colony of Natal of Cattle and other Animals from Places where Contagious or Infectious Diseases prevail, and of Cattle and other Animals suspected of being infected with Contagious or Infectious Diseases; and to provide Measures of Protection against the Spread of such Diseases; and to extend the provisions of Ordinance No. 6, 1854.	In force. <i>Vide</i> Law 9, 1871, § 1.
Law No. 14, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To check the Spread of Lung-sickness by Sales of Lung-sick Cattle.	Repealed by Law 22, 1869, § 1.
Law No. 15, 1866—Aug. 3, 1866.	For abating the Nuisance and Damage done to Property, and the Destruction of Game, occasioned by the Great Number of Dogs in the Colony of Natal.	Superseded by Law 27, 1875.
Law No. 16, 1866—Aug. 3, 1866.	For the Establishment of a Free Reciprocal Coasting Trade between the Colonies of Natal and the Cape of Good Hope; and to alter or amend the Law No. 13, 1863, entitled, "Law for levying certain Duties of Customs within the Colony of Natal."	Repealed by Law 9, 1867, § 1.
Law No. 17, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To declare the Rights of Mortgagees and Bondholders on Immoveable Property within the Colony of Natal, with reference to Judicial Sales under Process of the Courts of the said Colony.	In force.
Law No. 18, 1866—Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To repeal Law No. 30, 1865, entitled, "Law to amend the Ordinance No. 6, 1855, entitled, 'Ordinance for the general Management and Regulation of the Customs in the District of Natal;'" and also to amend the said Ordinance No. 6, 1855.	In force.
Law No. 19, 1866—Dec. 12, 1866; Proclaimed, April 29, 1867.	To facilitate the Winding-up of Joint-stock Companies.	In force.
Law No. 20, 1866—Dec. 12, 1866; Proclaimed, April 29, 1867.	To abolish and amend the Law relating to Tacit and other Hypothecations arising from Implication of Law on Immoveable Property.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force, or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 21, 1866—Dec. 12, 1866; Proclaimed, April 29, 1867.	To amend the Ordinance No. 2, 1846, entitled, "Ordinance for creating a Deeds' Registry Office for the District of Natal."	Repealed by Law 16, 1875, § 1.
Law No. 22, 1866—Dec. 12, 1866; Proclaimed, April 29, 1867.	To alter and amend Ordinance No. 6, 1852, entitled, an "Ordinance to amend and consolidate the Law relative to the Constitution and Formation of Juries."	Repealed by Law 10, 1871, § 2.
Law No. 23, 1866—Dec. 12, 1866; Proclaimed, April 29, 1867.	To amend the Law No. 31, 1865, entitled, "Law to amend the Law as to the Distillation of Spirituous Liquors."	Repealed by Law 14, 1868, § 1.
Private Law — Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To remedy certain Evils and Inconveniences arising from the Confusion of the Boundaries of various Blocks, Lots, Erven, or other Subdivisions of Lands, and of the Streets and Public Ways within the City or Borough of Pietermaritzburg; and to sanction and legalise the Re-survey and General Plan of such City, and certain defined Beacons; and for granting Powers to adjudicate and settle Disputes and Differences thereon, and in regard to Trespasses by Encroachment on such Lands, Streets, and Public Ways.	In force
Private Law — Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To authorise and empower the Town Council of the Borough of Durban, for a period of Seven Years, to levy and collect a Toll upon all Persons using the Berea Road with Horses, Mules, Oxen, or other Animals, whether ridden or drawing any Carriage, Cart, Wagon, or other Vehicle; and also upon all Person or Persons using or propelling or driving on the said Road any Steam-carriage, Engine, or Vehicle, or drawing or propelling by other than Animal Power any Cart, Truck, or other Vehicle of any description; and to invest the said Town Council with all necessary Powers and Authorities for the above purpose; with a Proviso that, on Payment by the Government of the Colony of Natal of £10,000 to the said Town Council, such Power and Authority for the Levy and Collection of such Toll shall cease and determine, and be utterly null and void.	Repealed by Law 18, 1872, § 1.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Private Law — Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To enable the Directors and Shareholders of the Commercial and Agricultural Bank of Natal, incorporated by Law of Session 1862, to amalgamate with any other Bank or Banking Company, Banks or Banking Companies, carrying on business in Natal or elsewhere, or to dispose of their Banking business to any such Company, Bank or Banks.	In force.
Private Law — Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To enable the Directors and Shareholders of the Natal Bank, incorporated by Law of Session 1859, to amalgamate with any other Bank or Banking Company, Banks or Banking Companies, carrying on business in Natal or elsewhere, or to dispose of their Banking Business to any such Company, Bank or Banks.	In force.
Private Law — Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To amend and extend the Powers of the Law enacted in the year 1864, entitled, "Law to empower the Corporate Council of the Borough of Pietermaritzburg to raise, by Loan or otherwise, in this Colony or elsewhere, Moneys not exceeding the sum of £50,000."	In force.
Private Law — Aug. 3, 1866; Proclaimed, Feb. 14, 1867.	To enable the Umgeni Sugar, Coffee, and Produce Company of Natal (Limited) to purchase, accept of, hold, transfer, exchange, mortgage, or lease, or otherwise deal with Lands and other Immoveable Property in Natal, and to do such other things as may be incidental to the objects of the said Company.	In force.
Private Law — Dec. 12, 1866; Proclaimed, April 29, 1867.	To repeal and re-enact with amendments the Law passed in the year 1865, called or known as the "Durban Corporation Loan Law, 1865," and to confer additional Powers on the Council of the Corporation of the Borough of Durban.	In force.
Law No. 1, 1867—May 30, 1867; Proclaimed, May 30, 1867.	To repeal Law No. 13, 1863, entitled, "Law for levying certain Duties of Customs within the Colony of Natal;" and for imposing and levying certain other Duties and Charges in lieu thereof, and for Prohibiting the Importation of certain Articles.	In force. <i>Vide</i> Laws 2 and 20, 1872; 17, 1874; 11, 1875; and 5, 1877.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 2, 1867—May 30, 1867; Proclaimed, May 30, 1867.	For raising a Loan of £100,000 for the Construction of Public Works.	Repealed by Law 8, 1867, § 1.
Law No. 3, 1867—Oct. 4, 1867.	Supplementary Supply for 1866.	Spent.
Law No. 4, 1867—Oct. 4, 1867.	Supplementary Supply for 1867.	Spent.
Law No. 5, 1867—Oct. 4, 1867.	Supply for 1868.	Spent.
Law No. 6, 1867—Oct. 4, 1867; Proclaimed, Feb. 29, 1868.	For authorising the expenditure of a Sum not exceeding £7,200 towards the construction of the Works to improve the Harbour of Natal.	Spent.
Law No. 7, 1867—Oct. 4, 1867.	For authorising the expenditure of a Sum not exceeding £28,923 4s. 8d., for the Construction of Public Works during the years 1867 and 1868.	Spent.
Law No. 8, 1867—Oct. 4, 1867; Proclaimed, Feb. 29, 1868.	To repeal, and re-enact with amendments, Law No. 2 of 1867, entitled, "Law for raising a Loan of £100,000 for the Construction of Public Works."	Repealed by Law 16, 1871, § 20.
Law No. 9, 1867—Oct. 4, 1867; Proclaimed, April 1, 1868.	To repeal Law No. 16 of 1866, entitled, "Law for the Establishment of a Free Reciprocal Coasting Trade between the Colonies of Natal and the Cape of Good Hope; and to alter or amend the Law No. 13, 1863, entitled, 'Law for levying certain Duties of Customs within the Colony of Natal.'"	In force.
Law No. 10, 1867—Oct. 4, 1867; Proclaimed, April 1, 1868.	For the Protection of Her Majesty's Naval and Victualling Stores within the Colony of Natal.	In force.
Law No. 11, 1867—Oct. 4, 1867; Proclaimed, April 1, 1868.	To consolidate the Laws relating to Postal Conveyance, and to repeal Ordinance No. 4, 1851, entitled, "Ordinance for regulating the Conveyance and Postage of Letters;" Law No. 10, 1862, entitled, "Law for the Regulation of the Duties on inland Postage;" Section 11 of Law No. 9, 1858, entitled, "Law to repeal Ordinance No. 26, 1846, extending to the District of Natal certain provisions of the Cape Ordinance No. 60,	In force. <i>Vide</i> Law 12, 1871.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
	<p>" 1829, entitled, 'Ordinance for preventing the Mischiefs arising from the Printing and Publishing Newspapers, and Papers of a like nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and also for restraining the Abuses arising from the Publication of Blasphemous and Seditious Libels,' and to enact other Regulations in lieu thereof, and to regulate the Transmission of Newspapers by Post;" Law No. 9, 1863, entitled, "Law to amend the Post Office Ordinance No. 4, 1851;" and Law No. 12, 1866, entitled, "Law to alter and amend Ordinance No. 4, 1857, entitled, 'Ordinance for regulating the Conveyance and Postage of Letters,'" and to make other and better Provisions for, and to regulate the Conveyance and Postage of Letters, Newspapers, Books, and Packets of Patterns.</p>	
<p>Law No. 12, 1867—Oct. 4, 1867; Proclaimed, April 2, 1868.</p>	<p>To repeal the Ordinance No. 2, 1847, entitled, "Ordinance for facilitating the Apprehension and regulating the Mode of Conveyance of Deserters from Her Majesty's Land Forces within the District of Natal to their respective Corps; and for the more prompt Payment of Rewards and Expenses consequent thereon;" and to make other more suitable provisions in lieu thereof.</p>	<p>In force.</p>
<p>Law No. 13, 1867—Oct. 4, 1867.</p>	<p>For regulating the Capture of Fish within the Bay or Harbour of Port Natal.</p>	<p>Repealed by Law 8, 1868, § 1.</p>
<p>Law No. 14, 1867—Oct. 4, 1867; Proclaimed, Feb. 29, 1868.</p>	<p>To facilitate the Recovery of Small Debts and Demands within the Colony of Natal.</p>	<p>In force. <i>Vide</i> Laws 6, 1868; and 9, 1869.</p>
<p>Law No. 15, 1867—Oct. 4, 1867; Proclaimed, June 6, 1868.</p>	<p>To enable certain Trustees to grant Leases of Mines and Minerals lying and being in and under Lands held in Trust for Natives.</p>	<p>In force.</p>
<p>Law No. 16, 1867—Oct. 4, 1867; Proclaimed, April 1, 1868.</p>	<p>For the Registration of Marriages, Births, and Deaths within the Colony of Natal.</p>	<p>In force. <i>Vide</i> Laws 12, 1872; and 17, 1875.</p>

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 17, 1867—Oct. 4, 1867; Proclaimed, April 1, 1868.	To declare and amend the 7th section of Law No. 20, 1863, and the 8th section of Law No. 18, 1864; and to more effectually secure Coolie Wages.	Repealed by Law 2, 1870, § 1.
Law No. 18, 1867—Oct. 4, 1867; Proclaimed, April 1, 1868.	To provide for the performance of certain Duties of the Speaker of the Legislative Council during his Temporary Absence from the Legislative Council.	In force.
Law No. 1, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	To make provision for the Safe Custody of Persons dangerously Insane, and for the Care and Custody of Persons of Unsound Mind.	In force.
Law No. 2, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	To regulate the Execution of Wills and Codicils.	In force.
Law No. 3, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	To assimilate the Law of this Colony to the Law of the United Kingdom in relation to Treasonable Offences.	In force. <i>Vide</i> Law 4, 1869.
Law No. 4, 1868—Aug. 3, 1868; Proclaimed, Feb. 13, 1869.	To repeal and re-enact, with amendments, Ordinance No. 1, 1855, entitled, "Ordinance to more effectually Check and Punish the Stealing of Cattle;" and to make provision to more effectually Check and Punish the Crimes of wrongfully and unlawfully Killing, Stabbing, or Wounding Cattle committed by Natives.	Repealed by Law 10, 1876, § 1.
Law No. 5, 1868—Sept. 16, 1868; Proclaimed, March 25, 1869.	To provide for the Registration and Probate of Wills in the Colony of Natal.	In force. <i>Vide</i> Laws 18, 1868; and 13, 1869.
Law No. 6, 1868—Sept. 14, 1868; Proclaimed, Feb. 13, 1869.	To amend Law No. 14, 1867, entitled, "Law to facilitate the Recovery of Small Debts and Demands within the Colony of Natal."	In force.
Law No. 7, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	To afford facilities for depositing Small Savings at Interest, with the Security of the Government for due Repayment.	In force. <i>Vide</i> Law 10, 1876.
Law No. 8, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	For regulating the Capture of Fish within the Bay or Harbour of Port Natal.	In force.
Law No. 9, 1868—Aug. 3, 1868; Proclaimed, Feb. 13, 1869.	To amend Law No. 33, 1865.	In force. <i>Vide</i> Law 10, 1877.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 10, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	To extend the Jurisdiction of the Resident Magistrates of the Colony of Natal in Civil Cases.	In force.
Law No. 11, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	To provide for the appropriation of the Casual Revenue of the Crown arising from Escheated Estates.	In force.
Law No. 12, 1868—Sept. 16, 1868; Proclaimed, Feb. 13, 1869.	To repeal the Law No. 8, 1866, entitled, "Law to make provision for the Destruction of certain Noxious Animals within the Colony of Natal."	In force.
Law No. 13, 1868—Sept. 14, 1868; Proclaimed, Feb. 13, 1869.	To authorise the Levying and Collection of Dues at the Port of Natal in respect of the Lighthouse on the Bluff Rock.	In force.
Law No. 14, 1868—Sept. 16, 1868; Proclaimed, Feb. 5, 1869.	To amend the Law as to the Distillation of Spirituous Liquors.	In force. <i>Vide</i> Laws 1, 1871; 36, 1874; 14, 1876; and 17, 1878.
Law No. 15, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	To amend the Law No. 9, 1866, entitled, "Law for making better provision for the Holding of the Circuit Court for the District of Durban."	In force. <i>Vide</i> Law 9, 1878.
Law No. 16, 1868—Sept. 14, 1868; Proclaimed, Feb. 15, 1869.	To impose a Temporary Increase in the Postage on Inland Letters.	Expired.
Law No. 17, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	To enable the Lieutenant Governor to raise the necessary Means to repair the Damage caused to the Public Roads and Bridges of the Colony by the recent Flood.	Expired.
Law No. 18, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	To suspend for Two Years the operation of Ordinance No. 3, 1850, section 3, and portion of section 53 of Ordinance No. 32, 1846; and during such suspension, to levy certain Stamp Duties and Fees in lieu of the Duties, Licences, and Fees imposed thereby.	Expired.
Law No. 19, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	Supplementary Supply for 1867.	Spent.
Law No. 20, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	For authorising a further expenditure, not exceeding £1,756 9s. 9d., for the Construction of Public Works during the years 1867 and 1868.	Spent.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 21, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	To amend the Law in relation to Trust Deeds for the benefit of Creditors, Composition Deeds, and Inspectorship Deeds executed by Debtors.	In force. <i>Vide</i> Law 11, 1869.
Law No. 22, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	To give effect to Process of Insolvency instituted in the Colony of the Cape of Good Hope as regards Immoveable Property of the Insolvent Estates situate within this Colony.	Not yet in force.
Law No. 23, 1868—Sept. 16, 1868; Proclaimed, Feb. 15, 1869.	To amend the Law No. 17 of 1865, entitled, "Law for apportioning " and redeeming Quitrents upon " the Subdivision of Fixed Property."	In force. <i>Vide</i> Law 17, 1876.
Law No. 1, 1869—Feb. 12, 1869; Proclaimed, Feb. 12, 1869.	To enable the Lieutenant Governor to impose Fees on the Registration of Native Marriages, and on certain other Customs and Usages of the Natives; and to make provision for remunerating the Chiefs of such Natives.	Repealed by Law 13, 1875, § 1.
Law No. 2, 1869—Aug. 23, 1869; Proclaimed, March 11, 1870.	To confine the use of Postage Stamps to the purposes of Postage.	In force. <i>Vide</i> Law 3, 1869.
Law No. 3, 1869—Aug. 23, 1869; Proclaimed, March 11, 1870.	To remedy an error in the Law of the present Session, entitled, "Law to confine the use of Postage Stamps to the purposes of " Postage."	In force.
Law No. 4, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To amend section 1 of Law No. 3, 1868.	In force.
Law No. 5, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To amend section 8 of Law No. 4, 1868.	Repealed by Law 10, 1876, § 1.
Law No. 6, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To declare the Law and Practice in cases of Escheats.	In force.
Law No. 7, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To abolish Ecclesiastical Grants from the Public Revenue within Colony of Natal.	In force.
Law No. 8, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	Supplementary Supply for 1867.	Spent.
Law No. 9, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To amend Law No. 14, 1867, entitled, "Law to facilitate the " Recovery of Small Debts and " Demands within the Colony of " Natal."	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 10, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To amend the Law No. 17, 1868, entituled, "Law to enable the " Lieutenant Governor to raise " the necessary means to repair " the Damage caused to the Pub- " lic Roads and Bridges of the " Colony by the Recent Flood."	Expired.
Law No. 11, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To amend the Law No. 21, 1868.	In force.
Law No. 12, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To facilitate the Recovery of Quit- rents and other Land Rents, and Fines for Non-occupation.	In force. <i>Vide</i> Laws 3, 1870; and 16, 1876.
Law No. 13, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To amend and explain the provi- sions of Law No. 5, 1868, enti- tuled, "Law to provide for the " Registration and Probate of " Wills in the Colony of Natal."	In force.
Law No. 14, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To amend the Law relating to Pro- missory Oaths, by simplifying the Forms of Oaths required to be taken by certain Officers and Persons in this Colony.	In force.
Law No. 15, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	For the Punishment of Idle and Disorderly Persons and Vagrants within the Colony of Natal.	In force.
Law No. 16, 1869—Sept. 22, 1869; Proclaimed, March 18, 1870.	To encourage the searching for Gold within the Colony of Natal.	In force.
Law No. 17, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To repeal and re-enact with amend- ments Law No. 7, 1860.	In force.
Law No. 18, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	Supplementary Supply for 1868.	Spent.
Law No. 19, 1869—Sept. 22, 1869.	For authorising a further expendi- ture, not exceeding £391 4s. 6d., for the Construction of Public Works during the years 1867 and 1868.	Spent.
Law No. 20, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	Supplementary Supply for 1869.	Spent.
• Law No. 21, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To authorise and provide for the continued working of the Um- geni Extension Railway.	<i>Vide</i> Law 18, 1876.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 22, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To repeal Law No. 14, 1866, entitled, "Law to check the Spread of Lung-sickness by Sales of "Lung-sick Cattle," and to reenact the same, with amendments.	Repealed by Law 9, 1871, § 1.
Law No. 23, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	For authorising the expenditure of a Sum not exceeding £3,280 17s. 8d., towards the Construction of the Works to improve the Harbour of Natal.	Spent.
Law No. 24, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To define and explain the true Intent and Meaning of certain Clauses and Schedules in Law No. 18, 1868.	Expired.
Law No. 25, 1869—Sept. 22, 1869; Proclaimed, March 11, 1870.	To empower the Lientenant Governor to resume Possession, on behalf of the Crown, of certain Lands which have been allotted to certain Immigrants; and to give Compensation to any such Immigrants whose Lands may be so resumed.	In force.
Law No. 1, 1870—March 10, 1870; Proclaimed, July 11, 1870.	For the support of the Office of Speaker of the Legislative Council of Natal, and for rendering the Office more Permanent, in accordance with the Custom, Usage, and Law of Great Britain and Ireland therein provided; and for providing for the appointment of other Officers attached to the said Council.	In force.
Law No. 2, 1870—April 28, 1870; Proclaimed, April 28, 1870.	To amend and consolidate the Laws relating to the introduction of Coolie Immigrants into this Colony, and to the Regulation and Government of such Coolie Immigrants.	In force. <i>Vide</i> Laws 14, 1871; 12, 1872; 19 and 20, 1874; 14, 1875; and 18 and 19, 1878.
Law No. 3, 1870—Aug. 29, 1870; Proclaimed, March 23, 1871.	To provide for the Leasing or Exchanging the Lands reserved by Government as Sites for Small Towns and Villages within the Colony of Natal.	In force. <i>Vide</i> Law 2, 1875.
Law No. 4, 1870—Sept. 8, 1870; Proclaimed, March 23, 1871.	To provide for the granting in this Colony of Patents for Inventions.	In force. <i>Vide</i> Law 5, 1871.
Law No. 5, 1870—Sept. 14, 1870; Proclaimed, March 23, 1871.	To amend the Law of Evidence.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 6, 1870—Sept. 14, 1870; Proclaimed, April 21, 1871.	For the better Government of Public Gaols.	In force. <i>Vide</i> Laws 3 and 8, 1876.
Law No. 7., 1870—Sept. 12, 1870.	Supplementary Supply for 1869.	Spent.
Law No. 8, 1870—Sept. 14, 1870.	Supplementary Supply for 1870.	Spent.
Law No. 9, 1870—Sept. 14, 1870; Proclaimed, March 23, 1871.	For regulating Places of Outspan, and the Rights of Travellers with respect to Roads and Outspan Places.	In force. <i>Vide</i> Law 14, 1872.
Law No. 1, 1871—Jan. 24, 1871; Proclaimed, June 22, 1871.	To amend Law No. 14, 1868, known as "Excise Law, 1868."	In force. <i>Vide</i> Laws 36, 1874; 14, 1876; and 17, 1878.
Law No. 2, 1871—Jan. 24, 1871; Proclaimed, June 22, 1871.	For raising Funds for the Purchase of a Steam Tug.	In force.
Law No. 3, 1871—Sept. 6, 1871; Proclaimed, Dec. 19, 1871.	Supply for 1871.	Spent.
Law No. 4, 1871—Sept. 6, 1871; Proclaimed, May 13, 1872.	To facilitate the carrying-out in this Colony of the provisions of the Imperial statute styled the "Foreign Deserters Act, 1852."	In force.
Law No. 5, 1871—Nov. 28, 1871; Proclaimed, April 16, 1872.	To amend and extend the provisions of the sixteenth section of Law 4, 1870, entitled, "Law to provide for the granting in this Colony of Patents for Inventions."	In force.
Law No. 6, 1871—Nov. 28, 1871; Proclaimed, May 16, 1872.	For facilitating the apprehension of certain Offenders escaping to this Colony from any place within the Territories or Dominions of the Republic of the Orange Free State.	In force.
Law No. 7, 1871—Nov. 28, 1871; Proclaimed, May 13, 1872.	For facilitating the apprehension of certain Offenders escaping to this Colony from any place within the Territories or Dominions of the South African Republic.	In force.
Law No. 8, 1871—Nov. 28, 1871; Proclaimed, May 13, 1872.	To enable the Glasgow Natal Sugar Company (Limited) to purchase, accept of, hold, transfer, exchange, mortgage, or lease, or otherwise deal with Lands and other Immoveable Property in Natal; and to do such other things as may be incidental to the objects of the said Company.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force, or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 9, 1871—Nov. 28, 1871; Proclaimed, May 31, 1872.	For the better prevention of Lung-sickness among the Cattle of this Colony.	In force. <i>Vide</i> Laws 21, 1872; and 25, 1874.
Law No. 10, 1871—Nov. 28, 1871; Proclaimed, April 16, 1872.	To amend and consolidate the Laws relative to the Constitution and Formation of Juries, and to Trials by Jury.	In force. <i>Vide</i> Laws 10, 1872; 24, 1876; and 8, 1878.
Law No. 11, 1871—Nov. 28, 1871; Proclaimed, May 13, 1872.	For the Incorporation of the Natal Permanent Building, Loan, and Investment Association.	In force
Law No. 12, 1871—Nov. 21, 1871; Proclaimed, May 13, 1872.	To amend Law No. 11, 1867, entitled, "Post Office Consolidation Law, 1857."	In force.
Law No. 13, 1871—Nov. 28, 1871; Proclaimed, April 16, 1872.	Supplementary Supply for 1870.	Spent.
Law No. 14, 1871—Nov. 28, 1871.	To repeal Law No. 16, 1864, and to amend Law No. 2, 1870.	Repealed by Law 20, 1874, § 1.
Law No. 15, 1871—Nov. 28, 1871.	To facilitate the obtaining of Labour.	In force.
Law No. 16, 1871—Nov. 28, 1871; Proclaimed, May 18, 1872.	For the Consolidation of the Public Loans of Natal.	In force.
Law No. 17, 1871—Nov. 28, 1871; Proclaimed, May 13, 1872.	To amend the 3rd section of Law No. 22, 1863, entitled, a "Law" to prevent Community of Goods "attaching to certain Marriages, "and to enable the Spouses of "such Marriages to devise their "Properties."	In force.
Law No. 1, 1872—Feb. 10, 1872; Proclaimed, May 22, 1872.	Supply for 1871.	Spent.
Law No. 2, 1872—May 29, 1872; Proclaimed, May 29, 1872.	To amend Law No. 1, 1867.	In force. <i>Vide</i> Law 5, 1877.
Law No. 3, 1872—July 23, 1872; Proclaimed, Dec. 13, 1872.	To regulate the Compensation to certain Government Officers (other than Judges of the Supreme Court) on their removal from the Public Service.	In force.
Law No. 4, 1872—Aug. 16, 1872; Proclaimed, Aug. 16, 1872.	To remove Doubts as to the Validity of certain Deeds of Transfer of Land to Immigrants executed by virtue of Ordinances No. 5, 1849, and No. 2, 1851.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 5, 1872—Oct. 4, 1872; Proclaimed, Oct. 4, 1872.	To repeal certain Laws previously passed for the construction of Railways; and to empower the Lieutenant Governor to enter into a Contract for the making of a Railway within the Colony of Natal, and to guarantee the payment of a Subsidy, and the granting of certain Concessions to the promoters thereof.	Repealed by Law 6, 1874, § 1.
Law No. 6, 1872—Oct. 7, 1872; Proclaimed, Feb. 10, 1873.	Supplementary Supply for 1871.	Spent.
Law No. 7, 1872—Oct. 7, 1872; Proclaimed, Jan. 14, 1873.	To unite the Offices of Master and Registrar of the Supreme Court.	In force.
Law No. 8, 1872—Oct. 7, 1872; Proclaimed, Feb. 10, 1873.	Supplementary Supply for 1872.	Spent.
Law No. 9, 1872—Oct. 16, 1872; Proclaimed, Feb. 10, 1873.	Supply for 1872.	Spent.
Law No. 10, 1872—Oct. 18, 1872; Proclaimed, March 13, 1873.	To amend Jury Law, 1871.	In force. <i>Vide</i> Laws 24, 1874; and 8, 1878.
Law No. 11, 1872—Nov. 4, 1872; Proclaimed, March 13, 1873.	To amend certain provisions of the Law No. 27, 1863.	In force.
Law No. 12, 1872—Nov. 14, 1872.	To amend the Coolie Law Consolidation Law, 1869.	In force. <i>Vide</i> Laws 19, 1874; 14, 1875; and 18, 1878.
Law No. 13, 1872—Dec. 3, 1872; Proclaimed, March 13, 1873.	For declaring certain Civil Rights to be possessed by the Dutch Reformed Church of Natal.	In force.
Law No. 14, 1872—Dec. 3, 1872; Proclaimed, March 13, 1873.	To repeal section 10 of Law No. 9, 1870, entitled, "Law for regulating Places of Outspan, and the Rights of Travellers with respect to Roads and Outspan Places."	In force.
Law No. 15, 1872—Dec. 3, 1872; Proclaimed, April 18, 1873.	For the better regulating of the Volunteer Force in the Colony of Natal.	In force. <i>Vide</i> Laws 2, 1874; 25, 1875; 17, 1877; and 7, 1878.
Law No. 16, 1872—Dec. 3, 1872; Proclaimed, March 13, 1873.	For authorising the taking of Lands for Undertakings of a Public Nature.	In force. <i>Vide</i> Law 4, 1875.
Law No. 17, 1872—Dec. 20, 1872; Proclaimed, April 18, 1873.	Supply for 1873.	Spent.

No. and Date of Law.	Title, or Subject Matter.	If in Force, or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 18, 1872—Dec. 20, 1872; Proclaimed, May 10, 1873.	To authorise and empower the Town Council of the Borough of Durban, for a period of Eight Years, to levy and collect a Toll upon all Persons using the Berea Road with Horses, Mules, Oxen, or other Animals, whether ridden or drawing any Carriage, Cart, Wagon, or other Vehicle; and also upon all Person or Persons using or propelling or driving on the said Road any Steam-carriage, Engine, or Vehicle, or drawing or propelling by other than Animal Power any Cart, Truck, or other Vehicle of any description; and to invest the said Town Council with all necessary Powers and Authorities for the above purpose; with a Proviso that, on Payment by the Government of the Colony of Natal of a sum to be agreed upon not exceeding £10,000 to the said Town Council, such Power and Authority for the Levy and Collection of such Toll shall rest in and be exercised by the Colonial Government.	In force.
Law No. 19, 1872—Dec. 20, 1872; Proclaimed, May 10, 1873.	To repeal and re-enact, with amendmennts, the Laws in regard to Municipal Corporations.	In force. <i>Vide</i> Law 23, 1878.
Law No. 20, 1872—Dec. 20, 1872; Proclaimed, April 18, 1873.	To amend Law No. 1, 1867.	In force.
Law No. 21, 1872—Dec. 20, 1872; Proclaimed, May 10, 1873.	To amend Law No. 9, 1871.	In force.
Law No. 22, 1872—Dec. 20, 1872; Proclaimed, May 10, 1873.	To amend the Law No. 12, 1862, entitled, "Law to amend the "Law regulating the Dealing in "Gunpowder."	In force.
Law No. 1, 1873—July 12, 1873; Proclaimed, July 12, 1873.	To re-adjust the Electoral Divisions of the Colony of Natal.	In force. <i>Vide</i> Law 3, 1875.
Law No. 2, 1873—Dec. 26, 1873.	To make special temporary provision in regard to the County of Weenen.	Has had its effect.
Law No. 1, 1874—Jan. 12, 1874; Proclaimed, June 6, 1874.	Supplementary Supply for 1872.	Spent.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 2, 1874—Jan. 12, 1874; Proclaimed, June 25, 1874.	To amend the Volunteer Law, 1872	In force. <i>Vide</i> Laws 25, 1875; and 17, 1877.
Law No. 3, 1874—Jan. 12, 1874.	For making a Railway within the Colony of Natal.	Disallowed. <i>Vide</i> Proclamation, Feb. 5, 1875. Repealed by Law 4, 1875, § 24.
Law No. 4, 1874—Jan. 12, 1874.	To establish an organised Police Force.	Repealed by Law 6, 1876, § 1.
Law No. 5, 1874—Jan. 12, 1874; Proclaimed, June 6, 1874.	To enable the Colonial Government to acquire, work, and maintain the Line of Electric Telegraph between the City of Pietermaritzburg and the Town of Durban.	In force.
Law No. 6, 1874—Jan. 12, 1874.	To repeal certain Laws previously passed for the Construction of Railways, and to empower the Lieutenant Governor to enter into a Contract for the making of a Railway within the Colony of Natal; and to guarantee the payment of a Subsidy and the granting of certain concessions to the promoters of the Railway.	Disallowed. <i>Vide</i> Proclamation, July 5, 1875. Repealed by Law 4, 1875, § 24.
Law No. 7, 1874—Jan. 12, 1874; Proclaimed, June 6, 1874.	To confirm a certain Contract entered into by the Colonial Government with Hooper's Telegraphic Works (Limited) for the Construction and Maintenance of a Line of Submarine Telegraph between the Colony of Natal and Aden, <i>via</i> Mauritius, and between the said Colony of Natal and the Colony of the Cape of Good Hope; and to authorise the payment of the Subsidy or Guarantee therein referred to, subject to the conditions and stipulations of the said contract.	Repealed by Law 30, 1874.
Law No. 8, 1874—Jan. 12, 1874; Proclaimed, June 6, 1874.	For further facilitating the Naturalization of Persons of European Birth or Descent.	Repealed by Law 23, 1874, § 1.
Law No. 9, 1874—Jan. 12, 1874.	To amend the Laws relating to the Natal Bank, and to continue the Incorporation of the same.	Repealed by Law 18, 1875, § 69.
Law No. 10, 1874—Jan. 12, 1874.	To make certain Regulations with regard to the Salary and Office of Governor, and to the Maintenance of Government House.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How — Wholly or in part? Or how otherwise affected.
Law No. 11, 1874—Jan. 15, 1874.	To enable the Company mentioned in Railway Law 1873 to let on Lease to any Company or Person such of the Lands to be selected by them in terms of said Law as may be required for Agricultural or Mining purposes, and all other purposes incidental thereto.	Disallowed. <i>Vide</i> Procla- mation, Feb. 5, 1875.
Law No. 12, 1874—Jan. 15, 1874; Proclaimed, June 6, 1874.	Supply for 1874.	Spent.
Law No. 13, 1874—Jan. 15, 1874; Proclaimed, June 6, 1874.	With regard to Trespass on Private Lands.	In force.
Law No. 14, 1874—Jan. 15, 1874.	To indemnify certain Persons in regard to Acts done during the existence of Martial Law, and for the Suppression of Rebellion in certain parts of the Colony of Natal.	In force.
Law No. 15, 1874—Jan. 15, 1874.	To prevent the spreading of False and Alarming Reports.	Disallowed. <i>Vide</i> Procla- mation, June 14, 1875.
Law No. 16, 1874—Jan. 15, 1874; Proclaimed, June 6, 1874.	Supplementary Supply for 1873.	Spent.
Law No. 17, 1874—Jan. 15, 1874; Proclaimed, June 6, 1874.	To amend the Laws relating to the Importation and Registration of Firearms.	In force.
Law No. 18, 1874—Jan. 15, 1874.	To make special provision with re- gard to the Employment of Con- victs.	Disallowed. <i>Vide</i> Procla- mation, June 14, 1875.
Law No. 19, 1874—Jan. 15, 1874.	To amend Laws No. 12, 1872, and No. 2, 1870.	In force. <i>Vide</i> Laws 34, 1874; 14, 1875; and 18, 1878.
Law No. 20, 1874—Jan. 12, 1874; Proclaimed, June 25, 1874.	To repeal Law No. 14, 1871, en- titled, "Law to repeal Law No. 16, 1864, and to amend Law No. 2, 1870, and to create an Indian Immigration Trust Board, to ad- minister for the purposes of Im- migration all Funds which may be received by said Trust Board.	In force.
Law No. 21, 1874—Jan. 15, 1874; Proclaimed, Aug. 5, 1875.	To apply the Native Law to certain Offences.	In force.
Law No. 22, 1874—Sept. 30, 1874; Proclaimed, May 14, 1875.	For regulating the Pensions of Of- ficers in the Public Service of this Colony (other than Judges of the Supreme Court, and Of- ficers entitled to Pensions under Law No. 3, 1872).	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 23, 1874—Sept. 30, 1874; Proclaimed, May 14, 1875.	To repeal and re-enact with amendments Law No. 8, 1874, "For further facilitating the Naturalization of Persons of European Birth or Descent."	In force.
Law No. 24, 1874—Oct. 1, 1874; Proclaimed, May 14, 1874.	To make provision as to Jury Lists for the Counties of Pietermaritzburg and Durban respectively.	In force. <i>Vide</i> Law 8, 1878.
Law No. 25, 1874—Nov. 24, 1874; Proclaimed, May 14, 1875.	To amend the Law relating to the Impounding of Cattle.	In force.
Law No. 26, 1874—Nov. 24, 1874; Proclaimed, May 14, 1875.	Supplementary Supply for 1873.	Spent.
Law No. 27, 1874—Nov. 24, 1874; Proclaimed, May 14, 1875.	To empower the Town Council of the Borough of Durban to convey to the Trustees of the Durban Mechanics Institution a certain portion of the Market Square of the Town of Durban; and to make provision for regulating the holding of such Property by the said Institution upon such conveyance.	In force.
Law No. 28, 1874—Nov. 24, 1874; Proclaimed, Aug. 24, 1875.	For authorising the Indian Immigration Trust Board to raise a further Sum of £50,000 on Loan.	Repealed by Law 1, 1876, § 1.
Law No. 29, 1874—Nov. 24, 1874; Proclaimed, May 27, 1875.	To remove Nuisances from the Public Roads; and to prevent the Spread of Infectious and Contagious Diseases amongst Cattle.	In force.
Law No. 30, 1874—Nov. 24, 1874; Proclaimed, May 27, 1875.	To repeal Law No. 7 of 1874, the Submarine Telegraph Law, 1873, and to re-enact the same, with certain amendments.	In force. <i>Vide</i> Law 5, 1878.
Law No. 31, 1874—Nov. 24, 1874; Proclaimed, May 14, 1875.	To prevent Cruelty to Animals.	In force.
Law No. 32, 1874—Nov. 24, 1874; Proclaimed, May 27, 1875.	To abolish Auction Duties within the Colony of Natal.	In force.
Law No. 33, 1874—Nov. 24, 1874; Proclaimed, May 27, 1875.	To empower the Lieutenant Governor to declare and define the Main Roads within the Colony, and to regulate the Traffic upon such Roads.	In force. <i>Vide</i> Law 19, 1875.
Law No. 34, 1874—Nov. 24, 1874; Proclaimed, May 27, 1875.	To amend Law No. 19, 1874, entitled, "Law to amend Laws No. 12, 1872, and No. 2, 1870.	In force,

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 35, 1874—Nov. 24, 1874; Proclaimed, May 14, 1875.	For the regulation of Literary and other Societies not legally incorporated.	In force.
Law No. 36, 1874—Nov. 24, 1874; Proclaimed, May 14, 1875.	To amend Law No. 14, 1868, entitled, "Law to amend the Law " as to the Distillation of Spirituous Liquors."	In force. <i>Vide</i> Laws 14, 1876; and 17, 1878.
Law No. 37, 1874—Nov. 24, 1874; Proclaimed, May 14, 1875.	Supply for 1875.	Spent.
Law No. 38, 1874—Nov. 25, 1874; Proclaimed, May 14, 1875.	To repeal, and re-enact with amendments, Law No. 20, 1861, entitled, "Law to prevent the " Spread of the Growth of the " <i>Xanthium Spinosum</i> or Burr " Weed."	In force.
Law No. 39, 1874—Nov. 25, 1874; Proclaimed, May 14, 1875.	To provide for the Holding and Management of the Town and Town Lands or Commonage of Mount Moreland.	In force.
Law No. 1, 1875—June 3, 1875.	To amend Law No. 9, 1874, entitled, "Law to amend the " Laws relating to the Natal " Bank, and to continue the Incorporation of the same."	Repealed by Law 18, 1875, § 69.
Law No. 2, 1875—June 3, 1875; Proclaimed, Oct. 25, 1875.	To amend sub-section C of section 1 of the Law No. 3 of 1870, entitled, a " Law to provide for the Leasing or Exchanging the Lands " reserved by Government as " Sites for Small Towns and Villages within the Colony of " Natal;" and to enable the Lieutenant Governor of the Colony of Natal to grant on Lease to the Natal Plantations Company (Limited) a portion of the Town Lands of North Barrow, in the Umlazi Division of the County of Durban in the said Colony.	In force.
Law No. 3, 1875—Sept. 23, 1875; Proclaimed, Sept. 23, 1875.	To increase the Number of Members in the Legislative Council of Natal.	In force.
Law No. 4, 1875—Nov. 11, 1875; Proclaimed, Sept. 23, 1875.	To empower the Lieutenant Governor to make, maintain, equip, and work certain Railways in the Colony of Natal; and to confirm a Provisional Contract entered into for the Construction of the same.	In force. <i>Vide</i> Laws 18, 1876; 3, 1877; and 4, 1878.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 5, 1875—Dec. 17, 1875; Proclaimed, Aug. 22, 1876.	To raise a Loan for the Construction and Equipment of certain Railways in the Colony of Natal.	In force.
Law No. 6, 1875—Dec. 17, 1875.	To provide for the taking over by the Colonial Government of the Lines of Railway between the Point and the Town of Durban, and between the Town of Durban and the River Umgeni.	In force. <i>Vide</i> Law 18, 1876.
Law No. 7, 1875—Dec. 17, 1875; Proclaimed, May 17, 1877.	Supplementary Supply for 1874.	Spent.
Law No. 8, 1875—Dec. 17, 1875; Proclaimed, July 3, 1876.	Supplementary Supply for 1875.	Spent.
Law No. 9, 1875—Dec. 17, 1875; Proclaimed, July 3, 1876.	Supply for 1876.	Spent.
Law No. 10, 1875—Dec. 17, 1875; Proclaimed, Nov. 8, 1876.	To provide for the Continuance of certain Customs Duties, Fees, or Charges imposed by "Steam Tug " Loan Law, 1871.	In force.
Law No. 11, 1875—Dec. 17, 1875; Proclaimed, Nov. 8, 1876.	To amend the Laws relating to Customs Duties.	In force. <i>Vide</i> Law 5, 1877.
Law No. 12, 1875—Dec. 17, 1875; Proclaimed, Nov 8, 1876.	To enable certain Wharfage Dues to be levied at the Harbour of Port Natal.	In force.
Law No. 13, 1875—Dec. 17, 1875; Proclaimed, July 15, 1876.	To repeal and re-enact with amendments Laws No. 6, 1867, and No. 1, 1869.	In force.
Law No. 14, 1875—Dec. 17, 1875; Proclaimed, June 20, 1876.	To amend the Laws relating to Indian Immigrants.	In force. <i>Vide</i> Law 19, 1878.
Law No. 15, 1875—Dec. 17, 1875.	To give Validity to Contracts of Service made out of the Colony.	Disallowed. <i>Vide</i> Proclamation, July 10, 1876.
Law No. 16, 1875—Dec. 17, 1875; Proclaimed, Nov. 20, 1876.	To repeal and re-enact with amendments the Law No. 21, 1866.	In force.
Law No. 17, 1875—Dec. 17, 1875; Proclaimed, Nov. 8, 1876.	To amend the Law No. 16, 1867, entitled, "Law for the Registration of Marriages, Births, " and Deaths within the Colony " of Natal."	In force.
Law No. 18, 1875—Dec. 17, 1875; Proclaimed, Aug. 24, 1876,	To amalgamate, with certain necessary corrections, the Laws No. 9, 1874, and 1, 1875, relating to the Natal Bank.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 19, 1875—Dec. 17, 1875; Proclaimed, Nov. 28, 1876.	To provide for the Construction and Maintenance of the Main Roads of the Colony.	In force.
Law No. 20, 1875—Dec. 17, 1875; Proclaimed, Nov. 8, 1876.	To regulate Conveyances carrying Passengers along the Main Roads.	In force.
Law No. 21, 1875—Dec. 17, 1875; Proclaimed, July 3, 1876.	To control Recruiting in this Colony for the service of Foreign States.	In force.
Law No. 22, 1875—Dec. 17, 1875; Proclaimed, March 20, 1876.	To secure a certain Allowance or Annual Pension to Major the Honourable David Erskine, late Colonial Secretary of the Colony of Natal.	In force.
Law No. 23, 1875—Dec. 17, 1875; Proclaimed, Feb. 17, 1877.	For the appointment of Shipping Masters, and for other purposes relating to British Shipping re- gistered at or trading with this Colony.	In force.
Law No. 24, 1875—Dec. 17, 1875; Proclaimed, Feb. 17, 1877.	To repeal and re-enact with certain amendments Law No. 9, 1862, entitled, "Law to enable the "Lieutenant Governor of the "Colony of Natal to appoint "Courts or Tribunals to inquire "into Charges of Incompetency "or Misconduct of Masters or "Mates of Ships, or to inquire "into Shipwrecks or other Ca- "sualties affecting Ships."	In force. <i>Vide</i> Law 8, 1877.
Law No. 25, 1875—Dec. 17, 1875; Proclaimed, Feb. 17, 1877.	To amend the Volunteer Law 1872 and 1873.	In force. <i>Vide</i> Laws 17, 1877; and 7, 1878.
Law No. 26, 1875—Dec. 17, 1875; Proclaimed, Dec. 5, 1876.	To make better provision for the Administration of Justice among the Native Population of Natal; and for the gradual assimilation of Native Laws to the Laws of the Colony.	In force. <i>Vide</i> Law 21, 1878.
Law No. 27, 1875—Dec. 17, 1875; Proclaimed, May 18, 1877.	For abating the Nuisance and Damage done to Property occa- sioned by the Great Number of Dogs in the Colony of Natal.	In force.
Law No. 28, 1875—Dec. 17, 1875; Proclaimed, May 17, 1877.	For the better prevention of the Disease in Sheep called Scab.	Repealed by Law 26, 1878, § 2.
Law No. 1, 1876—Nov. 11, 1876; Proclaimed, April 20, 1877.	To repeal and re-enact with amend- ments the Law No. 28 of 1874.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 2, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To provide for the Signing of Marriage Licenses.	In force.
Law No. 3, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To provide for the Title and Designation of certain Public Officers connected with the Gaols of the Colony.	In force.
Law No. 4, 1876—Nov. 18, 1876; Proclaimed, June 23, 1877.	Supplementary Supply for 1875.	Spent.
Law No. 5, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To establish a European Mounted Police Force.	In force. <i>Vide</i> Law 6, 1878.
Law No. 6, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To make provision for the appointment of a Controller of Arms and Ammunition; and to amend the Laws relating to Firearms and Ammunition accordingly.	In force.
Law No. 7, 1876—Nov. 11, 1876.	Supply for 1877.	Spent.
Law No. 8, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To amend certain provisions of the Gaol Law, 1870.	In force.
Law No. 9, 1876—Nov. 11, 1876; Proclaimed, Aug. 16, 1877.	To provide for the granting of Conditional Pardons.	In force.
Law No. 10, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To make provision for the Detection and Punishment of Natives wrongfully and unlawfully stealing, killing, stabbing, or wounding Cattle; and to make provision with regard to the removal of Cattle from place to place within the Colony.	In force.
Law No. 11, 1876—Nov. 11, 1876; Proclaimed, June 4, 1877.	To fix the Salaries of the Chief Justice and other Judges of the Supreme Court.	In force.
Law No. 12, 1876—Nov. 11, 1876; Proclaimed, June 4, 1877.	To regulate the Retiring Pensions of the Judges of the Supreme Court.	In force.
Law No. 13, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To provide for the Hearing of all Causes now pending before any Court or Judicial authority established under the provisions of Ordinance No. 3 of 1849, by transferring the Hearing or further Hearing of such Causes to the Native High Court established under the Native Administration Law, 1865.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 14, 1876—Nov. 11, 1876; Proclaimed, July 21, 1877.	To amend the Excise Law, 1868.	In force.
Law No. 15, 1876—Nov. 11, 1876; Proclaimed, July 16, 1877.	To provide for the Valuation of Immoveable Property in Natal.	In force.
Law No. 16, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To provide for the better Collec- tion of Quitrents and other Land Rents.	In force.
Law No. 17, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To repeal and re-enact, with amend- ments, the sections 10, 11, and 12 of Law No. 17, 1865.	In force.
Law No. 18, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To enable the Colonial Govern- ment to acquire, work, and main- tain the Lines of Railway be- tween the Point and the Town of Durban, and the Town of Dur- ban and the Umgeni.	In force. <i>Vide</i> Law 2, 1878.
Law No. 19, 1876—Nov. 11, 1876; Proclaimed, May 17, 1877.	To authorise the Indian Immigra- tion Trust Board of Natal to raise a sum of £50,000 sterling on Loan.	In force.
Law No. 20, 1876—Nov. 11, 1876.	To provide for the general Occupa- tion and Improvement of Lands alienated from the Waste Lands of the Crown within the Colony.	In force.
Law No. 21, 1876—Nov. 11, 1876; Proclaimed, Oct. 2, 1877.	To provide for the Establishment of a Land and Immigration Board.	In force. <i>Vide</i> Law 22, 1876.
Law No. 22, 1876—Nov. 11, 1876; Proclaimed, Oct. 2, 1877.	To provide for the Appropriation for Public Purposes of certain Lands reserved as Villages or Townships.	In force.
Law No. 23, 1876—Nov. 11, 1876; Proclaimed, Oct. 2, 1877.	To provide for the Appropriation for Public Purposes of certain Lands reserved as Commonage for the Village of Weenen.	In force.
Law No. 1, 1877—Aug. 17, 1877; Proclaimed, Oct. 9, 1877.	Supplementary Supply for 1876.	pent.
Law No. 2, 1877—Aug. 17, 1877; Proclaimed, Oct. 9, 1877.	For the acquisition of certain Rights over Land at the Point, Port Natal.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How — Wholly or in part? Or how otherwise affected.
Law No. 3, 1877—Aug. 17, 1877; Proclaimed, Oct. 23, 1877.	To provide for the Management and Working of the Natal Go- vernment Railways.	In force. <i>Vide</i> Law 2, 1878.
Law No. 4, 1877—Aug. 17, 1877; Proclaimed, Oct. 23, 1877.	To provide for the Management of Grey's Hospital.	In force.
Law No. 5, 1877—Aug. 17, 1877; Proclaimed, Oct. 23, 1877.	To amend the Laws relating to Customs Duties.	In force.
Law No. 6, 1877—Aug. 17, 1877; Proclaimed, Oct. 30, 1877.	To provide for the more convenient Administration of the Extradition Acts 1870 and 1873 of the Imperial Parliament.	In force.
Law No. 7, 1877—Aug. 17, 1877; Proclaimed, Oct. 30, 1877.	To regulate the Importation, Land- ing, Stowing, and Carrying of Dynamite and other Explosive Substances.	In force.
Law No. 8, 1877—Aug. 17, 1877; Proclaimed, Nov. 6, 1877.	To amend Law No. 24, 1875, re- lating to Courts of Inquiry into Shipwrecks, or other Casualties affecting Ships.	In force.
Law No. 9, 1877—Aug. 17, 1877; Proclaimed, Nov. 6, 1877.	To give effect to certain provisions of the Imperial Merchant Ship- ping Act of 1876, and to provide for levying of Light Dues on Vessels carrying Deck Cargoes between the United Kingdom and this Colony.	In force.
Law No. 10, 1877—Aug. 17, 1877; Proclaimed, Nov. 16, 1877.	To amend the Law No. 33, 1865.	In force.
Law No. 11, 1877—Aug. 17, 1877; Proclaimed, Nov. 16, 1877.	To amend the Law No. 11, 1859.	In force.
Law No. 12, 1877—Aug. 17, 1877; Proclaimed, Nov. 20, 1877.	For creating a Body of Water Police at the Port of Natal.	In force. <i>Vide</i> Law 13, 1877.
Law No. 13, 1877—Aug. 17, 1877; Proclaimed, Nov. 20, 1877.	To regulate the Port and Harbour of Port Natal.	In force.
Law No. 14, 1877—Aug. 17, 1877; Proclaimed, Nov. 27, 1877.	Supply for 1878.	Spent.
Law No. 15, 1877—Aug. 17, 1877; Proclaimed, Dec. 4, 1877.	To make better provision for Pri- mary or Elementary Education in the Colony of Natal.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force, or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 16, 1877—Aug. 17, 1877; Proclaimed, Dec. 4, 1877.	To provide for the Promotion of Higher Education in the Colony of Natal, and for the Establishment, Maintenance, and Direction of High Schools in the Towns of Pietermaritzburg and Durban.	In force.
Law No. 17, 1877—Aug. 17, 1877; Proclaimed, Dec. 11, 1877.	For the better regulating of the Volunteer Force in the Colony of Natal.	In force. <i>Vide</i> Law 7, 1878.
Law No. 1, 1878—Sept. 9, 1878; Proclaimed, Sept. 27, 1878.	To make provision for the Making of Surveys for the Extension of Railways.	In force.
Law No. 2, 1878—Sept. 9, 1878; Proclaimed, Sept. 27, 1878.	For fixing the Fares and Rates chargeable for the Conveyance of Passengers and Goods by the Natal Government Railways.	In force.
Law No. 3, 1878—Sept. 9, 1878; Proclaimed, Sept. 27, 1878.	To provide for the employment of Locomotive Engines upon the Natal Government Railways.	In force.
Law No. 4, 1878—Sept. 9, 1878; Proclaimed, Sept. 27, 1878.	To provide for the Compensation in certain Cases of Injury sustained by Railway Construction.	In force.
Law No. 5, 1878—Sept. 9, 1878; Proclaimed, Oct. 29, 1878.	To promote Telegraphic Communication between Natal and England, and to authorise the payment of a subsidy therefor.	In force.
Law No. 6, 1878—Sept. 9, 1878; Proclaimed, Oct. 29, 1878.	To provide for the employment of a portion of the Mounted Police Force in the working of Mountain Guns to be attached to the Force.	In force.
Law No. 7, 1878—Sept. 9, 1878; Proclaimed, Oct. 29, 1878.	To make better provision for the Payment of Portion of the Expenditure necessarily incurred by Mounted Members of the Volunteer Force and Reserve Volunteer Force of the Colony of Natal.	In force.
Law No. 8, 1878—Sept. 9, 1878; Proclaimed, Nov. 5, 1878.	To provide for the amendment of the Jury Laws, and the constitution and formation of Special Juries in certain cases.	In force.
Law No. 9, 1878—Sept. 9, 1878; Proclaimed, Nov. 5, 1878.	To make better provision with reference to theittings of the Durban Circuit Court in the month of April in certain years.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How—Wholly or in part? Or how otherwise affected.
Law No. 10, 1878—Sept. 9, 1878; Proclaimed, Nov. 5, 1878.	To regulate the Disposal of Movable Property taken from Convicts in certain cases.	In force.
Law No. 11, 1878—Sept. 9, 1878; Proclaimed, Nov. 12, 1878.	To provide for the Restraint and Safe Keeping of Refractory Prisoners.	In force.
Law No. 12, 1878—Sept. 9, 1878; Proclaimed, Nov. 12, 1878.	Supplementary Supply for 1877.	Spent.
Law No. 13, 1878—Sept. 9, 1878; Proclaimed, Nov. 12, 1878.	Supply for 1879.	In force.
Law No. 14, 1878—Sept. 9, 1878; Proclaimed, Nov. 19, 1878.	To authorise and empower the Levying and Collection of certain Tolls at the Tugela Bridge near Colenso.	In force.
Law No. 15, 1878—Sept. 9, 1878; Proclaimed, Nov. 19, 1878.	To raise a Loan for the Construction of certain Public Works in the Colony of Natal.	In force.
Law No. 16, 1878—Sept. 9, 1878; Proclaimed, Nov. 19, 1878.	To cancel and remove a certain servitude attaching to a certain piece of Land, now the property of the Colonial Government.	In force.
Law No. 17, 1878—Sept. 9, 1878; Proclaimed, Nov. 19, 1878.	To amend and explain the meaning of certain Words used in the Law No. 14, 1868, and other Laws as to the Distillation of Spirituous Liquors.	In force.
Law No. 18, 1878—Sept. 9, 1878; Proclaimed, Nov. 26, 1878.	To exempt the Employers of Indian Immigrants who shall have completed a Ten Years' Residence in Natal from payment of certain Charges imposed by Law 12, 1872, § 19.	In force.
Law No. 19, 1878—Sept. 9, 1878; Proclaimed, Nov. 26, 1878.	To amend certain provisions of Law No. 2 of 1870 (Coolie Laws Consolidation Law, 1869).	In force.
Law No. 20, 1878—Sept. 9, 1878; Proclaimed, Nov. 26, 1878.	To provide for the Promotion of Education among the Children of the Indian Immigrant Population in the Colony of Natal.	In force.
Law No. 21, 1878—Sept. 9, 1878; Proclaimed, Dec. 10, 1878.	To confer upon Administrators of Native Law, appointed under Law No. 26 of 1875, certain increased Jurisdiction within their respective Districts.	In force.

No. and Date of Law.	Title, or Subject Matter.	If in Force or if Repealed—How —Wholly or in part? Or how otherwise affected.
Law No. 22, 1878—Sept. 9, 1878; Proclaimed, Dec. 10, 1878.	To prohibit the Sale and Disposal of Spirits and other Intoxicat- ing Liquors to Persons of the Native Race.	In force.
Law No. 23, 1878—Sept. 9, 1878; Proclaimed, Dec. 10, 1878.	To amend Ordinance No. 9, 1847, entituled, "Ordinance for regu- lating the Sale of Wines and "Spirituons and Fermented Li- quors within the Colony of "Natal."	In force.
Law No. 24, 1878—Sept. 9, 1878; Proclaimed, Dec. 17, 1878.	To provide for the better Observ- ance of the Lord's Day, com- monly called Sunday.	In force.
Law No. 25, 1878—Sept. 9, 1878; Proclaimed, Dec. 17, 1878.	To provide for the Discouragement of Gambling.	In force.
Law No. 26, 1878—Sept. 9, 1878; Proclaimed, Dec. 17, 1878.	For the better prevention of the Disease in Sheep called Scab.	In force.

NATAL ORDINANCES AND LAWS.

PART I.

ORDINANCES ENACTED AT THE CAPE FOR NATAL.

ORDINANCE No. 12, 1845.

(Signed) P. MAITLAND.

*Ordinance for establishing the Roman-Dutch Law in and for the
District of Natal.*

1. WHEREAS it has pleased Her Majesty the Queen, by certain Preamble.
Letters Patent, bearing date the 31st day of May, in the Seventh
Year of Her Reign, to annex to this Settlement of the Cape of
Good Hope, as a part or portion thereof, the district of Natal in
South Africa : And whereas, by the said Letters Patent, it is
amongst other things provided, that no law, custom, or usage in
force within this Settlement should, by virtue merely of the said
Letters Patent, extend to or become in force within the said District
of Natal, but that it should be competent for the Legislature of this
Settlement, subject to the limitations, conditions, and provisions in
the said Letters Patent mentioned or referred to, to make, ordain,
and establish all such Laws and Ordinances as to them should seem
meet for the peace, order, and good government of the said District
of Natal : And whereas His Excellency the Governor has declared,
by a Proclamation dated 21st August, 1845, by him issued in virtue
of certain authority in that behalf in him vested, the limits or bound-
aries of the said District of Natal, and has defined the Territory
or Territories which constitute the said District : And whereas it is
expedient, without awaiting the legislative establishment within the
said District, of the Court or Courts for the administration of
Justice, which is or are now about to be created, to make provision
for the establishment of such laws as are immediately and indispen-
sably required for the preservation in the meantime of peace and
good order, and the repression of violence, injury, and injustice
amongst all persons resident in the said District : Be it therefore
enacted, by the Governor of the Cape of Good Hope, with the advice

Roman-Dutch Law.

**Roman-Dutch
Law established
for the time
being.**

**Vide Ord. 3, 1849,
and Law 26, 1875.**

and consent of the Legislative Council thereof, that the system, code, or body of law commonly called the Roman-Dutch Law, as the same has been and is accepted and administered by the legal tribunals of the Colony of the Cape of Good Hope, shall be, and the same is hereby established as the law for the time being of the District of Natal (as the said District shall, from time to time, be limited and defined by and on behalf of Her Majesty the Queen), and of Her Majesty's subjects, and all others residing and being within the said District : Provided, however, that nothing herein contained shall be deemed or taken to establish within the said District any law or ordinance heretofore at any time made or passed in this Colony by or through the local Government or Legislature thereof, or to give any existing Court or Magistrate of the said Colony any authority or jurisdiction over or in regard to the said District, or to prevent the said system, code, or body of law from being hereafter added to or altered, in regard to the said District, by any competent authority.

**Governor has
power to appoint
Magistrates.**

2. And be it enacted, that it shall and may be lawful for the Governor aforesaid to address to any one or more of Her Majesty's subjects residing within the said District one or more commission or commissions, authorising him or them to exercise within such District the office of a Magistrate, for the purpose of preventing the perpetration therein of any crimes and offences punishable by law, and for the purpose of arresting and committing to custody for trial before the certain Court or Courts now about to be established within the said District any person or persons charged, on sufficient evidence, with the commission of any crimes or offences within the said District which shall have been committed after the date of the publication of this Ordinance in the *Government Gazette*, as herein-after mentioned : Provided always, that every such commission shall be revocable at pleasure ; and provided also, that any person committed for trial by any such Magistrate who shall not be brought to trial within six months from the date of his commitment, shall, at the expiration of such term of six months, be discharged from custody, upon entering into his own recognizance, conditioned in such sum as shall appear just and reasonable, to appear before any such Court or Courts as aforesaid, when duly summoned so to do, there to answer to any such charge as may be preferred against him.

**Ordinance to
take effect from
date of
promulgation.**

3. And be it enacted, that this Ordinance shall commence and take effect from and after the date of the promulgation thereof by publication thereof in the *Government Gazette*.

God save the Queen !

Given at the Cape of Good Hope, this 27th day of August, 1845.

By command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed)

K. B. HAMILTON,
Clerk of the Legislative Council.

Criminal Law Procedure.

ORDINANCE No. 14, 1845.

Ordinance for erecting a District Court in and for the District of Natal.

Repealed by Law No. 10, 1857, sec. 1.

ORDINANCE No. 17, 1845.

Ordinance for determining the qualification of Jurors in the District of Natal.

Repealed by Ordinance No. 6, 1852, sec. 34.

ORDINANCE No. 18, 1845.

(Signed) P. MAITLAND,

Ordinance for Regulating the Manner of Proceeding in Criminal Cases in the District of Natal.

1. WHEREAS it is expedient to regulate the manner of proceeding in criminal cases within the District of Natal; Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that all laws and customs heretofore in force within the said District, in so far as the same are repugnant to, or inconsistent with, any of the provisions of this Ordinance, shall be, and the same are hereby, repealed. Preamble.

2. And be it enacted, that there shall be within the said District an officer, to be called the "Crown Prosecutor for the District of Natal," which officer shall, from time to time, be appointed by Her Majesty the Queen, her heirs and successors, in such manner and form as to her or them shall seem good; and which officer shall hold his office during the pleasure of Her said Majesty, her heirs and successors. Crown Prosecutor,
Queen to appoint.
Vide Law 18,
1846.

3. And be it enacted, that it shall and may be lawful for the Governor of the Colony of the Cape of Good Hope, until such an appointment as in the last preceding section mentioned, shall have been made, to appoint some fit and proper person to be and act as such Crown Prosecutor as aforesaid, who shall, pending the signification of Her Majesty's pleasure, hold his office in like manner as if he had been appointed by Her said Majesty, under, or in accordance with, the provisions of the said last preceding section. Governor may
appoint a person
to act.
Vide Law 18,
1846, Preamble.

4. And be it enacted, that every person who shall be appointed to be such Crown Prosecutor as aforesaid, shall, before entering upon his office, take, before the Lieutenant Governor of the said District, the oath of allegiance, and the oath of office, as the said oaths are set forth in the schedule to this Ordinance annexed, which said oaths the said Lieutenant Governor is hereby authorized and required to administer. Oaths to be taken
by such officer.
Vide Law 14,
1846.

5. And be it enacted, that the Crown Prosecutor for the District of Natal shall be invested with the right, and entrusted with the His rights and
duties.

Criminal Law Procedure.

- duty of prosecuting, in the name and on behalf of the Queen, all crimes which shall by law be legally cognizable by any of the Courts, erected or to be erected, within the said District.
- 6.** And be it enacted, that the said right of prosecution shall be exercised by the Crown Prosecutor, in the District Court of Natal, in person; Provided always, that if, in regard to any case or cases, the Crown Prosecutor shall be unable to prosecute in the said Court in person, it shall and may be lawful for any other person thereto specially deputed by the Crown Prosecutor, to appear and act for him in such case or cases.
- 7.** And be it enacted, that the right and power of prosecution hereinbefore mentioned, and vested in the Crown Prosecutor, shall be absolutely under his own management and control.
- 8.** And be it enacted, that the Crown Prosecutor shall have the power, at any time before conviction, of stopping all prosecutions commenced by him; but in the event of the defendant having been previously arraigned upon any charge, he shall be entitled to a verdict of acquittal, in respect of such charge.
- 9.** And be it enacted, that the Crown Prosecutor shall have the power (except in the special case hereinafter excepted) of ordering the liberation of any person committed to gaol for further examination, or for trial; for which liberation a writing setting forth that the Crown Prosecutor sees no grounds for prosecuting such person, and subscribed by him, shall be a sufficient warrant.
- 10.** And be it enacted, that where, in virtue of the right of prosecution hereinafter given to private parties, any private party intends to prosecute any person, for whose liberation from gaol any warrant of the nature above mentioned may have been issued by the Crown Prosecutor, it shall be competent for such private parties, upon entering into a recognizance for the prosecution of the said defendant in the form hereinafter set forth, to apply to the District Court, or in case such Court shall not be then actually sitting, to the Recorder of the said Court, for a warrant for the further detention in gaol of such person (or in case the liberation has already taken place, for his re-committal to gaol for trial) upon which application the said Court, or the said Recorder, shall make such order as shall seem proper.
- 11.** And be it enacted, that neither conviction or acquittal following on the prosecution of the Crown Prosecutor, shall be any bar to a civil action for damages, at the instance of any person who may have suffered any injury from the commission of any alleged crime or offence.
- 12.** And be it enacted, that in all cases where the Crown Prosecutor declines to prosecute for any alleged crime or offence, it shall be competent for any private party, who alleges that he has suffered injury by any such alleged crime or offence, to prosecute, in any Court competent to the trial of the same, the person alleged to have committed such crime or offence.
- 13.** And be it enacted, in order that no prosecution at the instance of a private party may take place until the Public Prosecutor shall have exercised his discretion whether he will prosecute the offender at the public instance, that it shall not be competent

How to exercise the right to prosecute.

This right uncontrolled.

He may stop prosecutions;

And liberate prisoners in certain cases.

How private prosecutors should proceed in such case.

Criminal prosecution no bar to civil action.

When private party may prosecute.

Regulations to govern private prosecution.

Criminal Law Procedure.

for any private party to obtain the process of any Court for summoning any party to answer to any indictment or complaint, unless the said private party shall produce to the officer authorized by law to issue such warrant, the indictment or complaint, having endorsed thereon a certificate under the hand of, and subscribed by, the Crown Prosecutor, that he has seen the indictment or complaint, and declines to prosecute at the public instance for the offence therein set forth; which said certificate the Crown Prosecutor is hereby required to grant; Provided always, that it shall not be competent for any private party to require any such certificate from the Crown Prosecutor in any case, except one in which the person sought to be prosecuted shall have been committed for trial.

14. And be it enacted, that to support a prosecution at the private instance, the private party prosecuting must be able to show some substantial and peculiar interest in the issue of the trial, arising out of some injury, which he individually has suffered by the commission of the alleged crime or offence set forth in the indictment or complaint.

Private party to show personal injury.

15. And be it enacted, that a husband shall possess this right of prosecution in respect of crimes and offences committed against his wife; and that the legal guardians of minors shall possess this right of prosecution in respect of crimes and offences committed against their wards; and that the wife or children, or, where there is no wife or child, any of the next of kin of any deceased person, shall possess this right of prosecution in respect of any crime by which the death of such person is alleged to have been caused.

Excepted cases.

16. And be it enacted, that where a person prosecuted at the instance of a private party shall be acquitted, the Court in which the prosecution was brought, may adjudge the prosecutor to pay to the party prosecuted the whole, or any part, of the expenses which may have been occasioned to him by the prosecution.

Private party liable for expenses;

17. And be it enacted, that it shall not be competent for any private party to obtain the process of the District Court for summoning any party to answer to any indictment or complaint, unless such private party shall first enter into a recognizance in the sum of *twenty pounds* sterling, together with two sufficient sureties in *ten pounds* sterling each, to be approved of by the officer issuing such process, to prosecute the said indictment or complaint to a conclusion, according to the forms of law at the time at which the summons requires the defendant to appear, and to pay and satisfy any costs or expenses which may be adjudged to be paid by the said private party.

And must enter into recognizance to prosecute.

18. And be it enacted, that the right of prosecution for the crime of murder shall not be barred by any lapse of time; but the right of prosecution for any other crime or offence, whether at the instance of the Crown Prosecutor, or of the private party injured, shall be barred by the lapse of twenty years from the time when the crime or offence was committed.

Prosecution, when barred by lapse of time.

19. And be it enacted, that the Recorder of the District of Natal, and any Magistrate, or Justice of the Peace, who has knowledge of any crime or breach of the peace by seeing it committed, may himself arrest the offender, or by a verbal order may authorize others to

Arrest—verbal authority in certain cases.

Criminal Law Procedure.

do so, who may follow the offender thus pointed out to them, and execute the order on him out of the presence of such magistrate, if he flee.

Who may grant warrants, how, and within what limits.

20. And be it enacted, that it shall and may be lawful for the Recorder aforesaid, or any Magistrate, to grant warrant for the apprehension of any person, on a written application setting forth the offence alleged to have been committed, and that, from information taken upon oath, there are reasonable grounds of suspicion against the person for whose arrest the warrant is sought, subscribed by the Crown Prosecutor; or upon the information to the like effect of any person, made on oath before the Judge or Magistrate granting the warrant;—Provided always, that it shall not be lawful for any Magistrate to grant any such warrant, except when the offence charged has been committed within the jurisdiction of such Magistrate, or except when the person against whom the warrant is issued, shall, at the time when such warrant is so issued, be known or suspected, on reasonable grounds, to be within the jurisdiction of the Magistrate issuing such warrant.

Who may execute such warrants.

21. And be it enacted, that every officer of the law within the said District, proper for the execution of criminal warrants, shall be hereby authorized and required to obey and execute every such warrant issued by the said Recorder, and every such officer of the law shall be, and is hereby, authorized and required to obey and execute every such warrant issued or endorsed by any Magistrate of the division in which such officer of the law has been appointed to act; and every criminal warrant issued by the said Recorder, or any Magistrate, shall have effect, and may lawfully be executed, anywhere within the limits of the said District, by any officer of the law, or by any private person to whom it shall be directed.

Who may arrest without warrant, and when.

22. And be it enacted, that all officers of the law proper for the execution of criminal warrants shall be, and are hereby, authorized and required to arrest every person who shall commit any crime, or breach of the peace, in their presence; as also every person whom they shall have reasonable grounds to suspect of having committed any murder, culpable homicide, rape, robbery, or assault with intent to commit any of those crimes, or in which a dangerous wound is given, arson, housebreaking, with intent to commit any crime, or theft of any cattle, sheep, or goats, or any other crime of equal degree of guilt with any of the crimes aforesaid; as also every person whom they shall see engaged in committing any affray, or whom they shall find attempting to commit a crime, or clearly manifesting an intention so to do.

Private person to aid in arrest.

23. And be it enacted, that every private person, when called upon by any officer of the law, shall be, and is hereby, authorized and required to assist such officer in making any arrest, which by law such officer is authorized to make, of any person charged with, or suspected of, the commission of any crime or offence.

Private person to arrest or pursue for crimes witnessed by him.

24. And be it enacted, that every private person, in whose presence any murder, culpable homicide, rape, robbery, or assault with intent to commit any of those crimes, or in which a dangerous wound is given, arson, housebreaking with intent to commit any crime, or theft of any cattle, sheep, or goat, or other crime of equal degree of

Criminal Law Procedure.

guilt with any of the crimes aforesaid, is committed, or attempted to be committed, or who has knowledge that any such crime has been recently committed, shall be hereby authorized and required to arrest, or forthwith to pursue the offenders ; and every other private person, to whom the purpose of such pursuit shall be made known, shall be, and is hereby, authorized and required to join and assist in the same ; And every private person who, on such pursuit being made, shall come up with any person having the property which has been stolen in his possession, or with any person whose traces have conducted his pursuers from the place where the crime was committed, to the place where he shall be overtaken, shall be hereby authorized and required to arrest such person, so having such stolen property in his possession, or so being traced as aforesaid.

25. And be it enacted, that it shall and may be lawful for any private person to arrest any other person, upon reasonable suspicion that he has committed any of the crimes specified in the 24th section of this Ordinance, or any other crime of an equal degree of guilt ; but every arrest, or attempt to arrest, made by any private person upon suspicion, shall be made at his own peril, if the party so arrested, or attempted to be arrested, be innocent.

But it is at his peril to arrest on suspicion.

26. And be it further enacted and declared, that every private person shall be, and is hereby, authorized and required to lay hold of any person whom he may see engaged in committing an affray, in order to prevent such person from continuing the affray, and to suppress the same.

How he may act in case of affray.

27. And be it enacted, that when any officer of the law, or other person who shall by any of the provisions of this Ordinance be authorised and required to arrest or assist in arresting any person who has committed, or is on reasonable grounds suspected to have committed, any of the crimes in the said 24th section mentioned or referred to, shall attempt to arrest such person, and the person so attempted to be arrested shall fly or resist, and cannot be apprehended and prevented from escaping by other means than by such officer or private person killing the person so flying or resisting, such homicide shall be deemed in law to be justifiable homicide.

A party (sec. 24) resisting or flying from arrest may be killed.

28. And be it enacted, that every person who, knowing the purpose for which any officer of the law or private person is acting, shall kill any such officer or person while attempting to make or assisting in making any arrest, or while interfering in order to suppress any affray, which, in virtue of the provisions of this Ordinance, such officer or person is authorised and required to make, or to assist to make or to suppress, shall be deemed in law to be guilty of the crime of murder ; and that every person who shall kill any private person while attempting to make any arrest, under the circumstances set forth in the 24th section of this Ordinance, knowing the purpose for which such private person so killed was acting, shall be deemed in law to be guilty of the crime of murder if he have committed, or of the crime of culpable homicide if he be innocent, of the crime, on suspicion of which the person so killed attempted to arrest him ; and that every person who shall kill any private person while attempting to make any arrest under the circumstances set forth in the 24th section of this Ordinance, being ignorant of the

Killing a party authorised to arrest, when murder or culpable homicide.

Criminal Law Procedure.

purpose for which the person so killed was acting, shall be deemed in law to be guilty of the crime of culpable homicide if he have committed the crime on suspicion of which the person so killed attempted to arrest him ; and that every person who shall kill any such officer or private person while attempting to make, or assisting in making any arrest, which, in virtue of the provisions of this Ordinance, such officer or person is authorised and required to make or to assist to make, being ignorant of the purpose for which such officer or private person so killed was acting, shall be deemed in law to be guilty of the crime of culpable homicide ; and that every person who shall kill any such officer or private person while attempting to make an arrest in virtue of any warrant hereinbefore mentioned which, by reason of the informality thereof, shall not be in law sufficient to authorise the arrest of the person who shall kill such officer or private person, shall be deemed in law to be guilty of the crime of culpable homicide, whether he shall know or be ignorant of the purpose for which such officer or private person was acting.

But on trial this Ordinance not to be construed so as to affect the circumstances of the case.

29. And be it further enacted and declared, that on the trial of any person for homicide committed in resisting any arrest, nothing herein contained shall extend or be construed to deprive any fact or circumstance (other than those the legal effect of which is hereinbefore specially provided for and declared) under which such homicide shall have been proved to have been committed of the effect, either in exculpating such person or in mitigating or aggravating his guilt, which, by law, such fact or circumstance would have had previously to the passing of this Ordinance.

When doors, &c., may be forced in order to arrest.

30. And be it further enacted and declared, that it shall and may be lawful for every officer of the law, and every private person, who shall by law be authorized or required to arrest any person, known or suspected to have committed any crime or offence, for that purpose to break open the doors of, and to enter and search any house in which such person is known or suspected to be ; Provided always, that such officer, or other person as aforesaid, shall have previously failed to obtain admission, after having audibly demanded the same, and notified the purpose for which he seeks to enter such house.

What warrants shall contain.

31. And be it enacted, that every warrant issued by any of the persons hereinbefore authorized to issue the same, shall be to apprehend the party described in it, and to bring him before the person issuing the same, or such other Magistrate as the person issuing the said warrant shall therein direct.

Preparatory examination, in what cases ;

32. And be it enacted, that it shall and may be lawful for any Magistrate, on receiving information of any crime or offence having been committed (except it shall plainly appear to be proper for the cognizance of some Court of summary jurisdiction to be hereafter created by some future law or ordinance) to commence a preparatory examination, and for that purpose he shall immediately issue a warrant for the apprehension of any person who, from information taken upon oath, may be reasonably suspected of having committed the said crime or offence, and shall summon those persons whom it shall appear necessary to examine as witnesses, and in case of refusal or failure to attend, after due proof of the service of such summons, the said Magistrate as aforesaid shall issue a further warrant under

Apprehension of the accused.

Witnesses not appearing on summons.

Criminal Law Procedure.

his hand, to enforce the appearance of such witnesses ; Provided always, that every Magistrate may, at all times, require and enforce the appearance of all persons, whom it shall appear necessary to examine as witnesses, touching any supposed crime or offence, although the person by whom any such crime or offence has been committed, may not be known or suspected, precisely as if such last mentioned person were clearly ascertained.

33. And be it enacted, that every Magistrate instituting a preparatory examination, shall examine every person who can give any information on the subject of the crime or offence under investigation.

All who have knowledge of the crime to be examined.

Examinations to be taken on oath.

34. And be it enacted, that all preparatory examinations shall be taken upon oath, and every witness, before giving his evidence, shall make oath before the Magistrate, by whom he is to be examined, that in the whole of his deposition he will tell the truth, the whole truth, and nothing but the truth ; and each witness shall be examined apart from the others. The depositions shall be taken down in writing in the presence of the accused party, or if taken in his absence, shall be afterwards read over to him in the presence of the witnesses making the same, whom he shall be entitled to cross-examine ; and such depositions shall be signed by the Magistrate, and by the witnesses, and in case of their incapacity or refusal, then the same shall be signed by two persons in whose presence the same were taken ; and if any witness shall obstinately refuse to give evidence, he may be committed to, and detained in prison until he shall comply.

Depositions to be taken down in writing, &c.

Parties refusing to give evidence may be committed.

Upon arrest, prisoner to be brought before Magistrate.

35. And be it enacted, that when any person suspected, of a crime or offence, is apprehended by virtue of the warrant hereinbefore described, the officer who executes the warrant shall, with all convenient speed, carry the prisoner before the Magistrate named in the warrant ; or if the warrant is general, or the arrest be made without warrant, before the Magistrate nearest to the place in which the apprehension takes place.

Magistrate to see that prisoner is of sane mind.

36. And be it enacted, that when any person, suspected of a crime or offence, is brought before any Magistrate for examination, such Magistrate, before commencing the examination of the witnesses, shall satisfy himself that the prisoner is in his sound and sober senses.

37. Repealed by Law No. 14, 1864, § 1.

Clauses substituted. [2. After the examination of the witnesses in support of the charge in presence of the accused person, or after the examinations have been read over to him, if taken in his absence, the Magistrate shall address, or cause to be addressed in his presence, such accused person in these or equivalent terms : " Having heard the evidence, do you wish to say anything ? You need not say anything unless you wish ; and if any expectation of gain from your saying anything, or of injury from your not saying anything, has been held out to you, you are to pay no regard thereto. Any thing which you do say will be taken down, and may be used in evidence against you at your trial." And if, thereupon, the accused person shall make any statement, the Magistrate will cause the same, or the interpretation thereof into English, to be taken down

Statement of accused to be taken down in writing by Magistrate, and signed by him.

Vide Law 14, 1864, § 2.

Criminal Law Procedure.

in writing as nearly as may be, and when so taken down to be read over, and, if requisite, interpreted to such accused person as his statement; and if such person thereupon shall desire any addition or correction to be made thereto or thereof, the Magistrate shall cause such to be made; and this statement, including any such additions and corrections, may be signed by the accused person, if willing thereto, and such statement shall be entitled as a statement by the accused person by name; and the Magistrate shall, at the end of such statement certify as nearly as may be in the following words: "I certify that the foregoing statement was made by the "accused person, A. B., in my presence, after I had addressed (or "caused him to be addressed) in manner directed in that behalf by "the second section of the Law No. 14, 1864." And the Magistrate shall, as such, sign such certificate. And such statement shall be kept and transmitted with the depositions of the witnesses in ordinary course.]

To be admissible
in evidence
against the
accused.

Vide Law 14,
1864, § 3.

[3. Such statement, purporting to be certified and signed by the Magistrate as directed by the last foregoing section, shall be admissible in evidence against the accused person mentioned in such certificate at his trial, without further proof of such statement having been in fact made by the accused person, or of the truth of the certificate, or of any other matter relating to the taking or the keeping or transmission of such statement, unless it shall be shown that such certificate was not signed by the Magistrate.]

Not to affect the
admissibility in
evidence of state-
ment of accused
in other respects.

Vide Law 14,
1864, § 4.

[4. Nothing in this Law contained shall affect the admissibility in evidence of any statement by an accused person at any time other than that referred to in section (two) hereof.]

Commitment for
trial.

38. And be it enacted, that when there shall appear to any Magistrate sufficient grounds for putting any person brought before him on trial for the crime or offence of which he is accused, the Magistrate shall grant a warrant to commit him to some gaol of the division in and for which such Magistrate shall have jurisdiction to act, there to be detained till brought to trial for the said crime, or till liberated in due course of law; which warrant shall clearly express the crime or offence with which the prisoner is charged.

To what gaol
Magistrate may
commit, if
offence be com-
mitted in other
than his own
district.

39. And be it enacted, that in every case in which any person charged with any crime or offence shall be apprehended and brought before any Magistrate of any division other than that in which such crime or offence is charged to have been committed, and where such Magistrate shall see cause to commit such person, either for trial or for further examination as hereinafter provided, it shall be lawful for such Magistrate to grant warrant to commit such person, either to some gaol in the division in which the crime or offence is charged to have been committed or to the gaol of the division within which such Magistrate has jurisdiction to act.

Witnesses failing
to enter into
recognizances to
attend at trial
may be detained
in gaol.

40. And whereas public justice will in many cases be defeated by the departure from the District or otherwise of witnesses, who have been examined as such under preparatory examinations taken before as to the commitment of offenders for trial before the Courts of criminal jurisdiction within the District, be it therefore enacted, that

Criminal Law Procedure.

every Magistrate before whom any preparatory examination is taken may lawfully require any witness, either alone or together with one or two sufficient sureties, to the satisfaction of the said Magistrate, to enter into a recognizance, under condition that the said witness shall at any time within six months from the date thereof appear and give evidence at the trial of the said case upon being summoned thereto at some certain place to be elected by such witness ; and if any witness being so required to enter into any such recognizance shall refuse or fail so to do, it shall and may be lawful for the said Magistrate to commit and detain in prison the witness so refusing or failing, until such recognizance shall have been entered into as aforesaid.

41. And be it enacted, that where sufficient grounds do not appear for at once committing the prisoner for trial or for discharging him, and there shall appear to the Magistrate probability that further evidence may be produced, the Magistrate may grant a warrant for committing him for further examination. Such re-commitment for further examination may, if necessary, take place oftener than once upon sufficient cause appearing to the said Magistrate, which cause shall be expressed in the warrant of re-commitment ; and every warrant of commitment for examination shall specify the time when the prisoner is again to be brought before the Magistrate for examination.

Commitment
for further
examination.

42. And be it enacted, that until the warrant for commitment for trial is made out, no prisoner, even although the offence of which he is accused is a bailable offence, can insist on being admitted to bail, but it is in the discretion of the Magistrate to admit a prisoner accused of a bailable offence to bail before the preparatory examinations are concluded.

Until commit-
ment for trial,
bail not a right.

43. And be it enacted, that no prisoner under commitment for examination shall be allowed the access of his friends or legal advisers but by the authority of a Magistrate, and under such restrictions as to him may appear requisite ; but after commitment for trial the prisoner's friends and legal advisers shall have free access to him, subject to the regulations of the Magistrate to whom the superintendence of the prison and the safe custody of the prisoners are entrusted.

Nor the access
of friends.

Vide Law 16,
1861.

44. And be it enacted, that a prisoner is not of right entitled to the assistance of a legal adviser while he is under examination.

Vide Law 16,
1861.

45. And be it enacted, that it shall be the duty of the Magistrate who conducts the preparatory examination to make any local inspections which the particular circumstances of the case may render necessary ; and, in cases of homicide and of serious injury to the person of any individual, to cause the dead body or the person injured to be examined by a regularly admitted medical man, if any such can be procured ; and if not, then by the best qualified person or persons that can be obtained, who shall draw up and subscribe a written statement of the appearances and facts observed on such examination.

Magistrates to
make local
inspections.

Their duty in
cases of homi-
cides, &c.

46. And be it enacted, that the Magistrate conducting the preparatory examination shall cause all writings and other articles exhibited by the witnesses in the course thereof, and likely to be

And as regards
articles to be
used in evidence,

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used in evidence on the prisoner's trial, to be inventoried and labelled or otherwise marked in the presence of the person producing the same, so as they may be capable of being identified at the prisoner's trial, and shall cause the same to be kept in safe custody until the trial, and to be then produced.

Crown Prosecutor may assist at examinations, or may depute,
Vide Ord. 3, 1852.

47. And be it enacted, that it shall and may be lawful for the Crown Prosecutor, should he so think fit, to assist in person at any preparatory examination instituted by or before any Magistrate; or the Crown Prosecutor may specially depute any other person to attend and assist thereat.

Search warrants, how to be obtained.

48. And be it enacted, that the Recorder of the District aforesaid, and all Magistrates therein, upon an information taken upon oath being transmitted to them by the Crown Prosecutor, or upon the information of any person made on oath before such Judge or Magistrate, that there is reason to suspect that stolen goods are concealed in any place within the jurisdiction of the Judge or Magistrate to whom the information is transmitted or before whom the information is made, may, by warrant under his hand, cause every such place to be searched during the day time.

Examinations to be sent to Crown Prosecutor forthwith.

49. And be it enacted, that where a preparatory examination has been taken by any Magistrate, such Magistrate shall forthwith deliver or transmit the examinations to the Crown Prosecutor for his consideration.

That officer may liberate accused, or direct further inquiry;

50. And be it enacted, that after considering the preparatory examinations submitted to him, the Crown Prosecutor may either order that the prisoner shall be forthwith liberated, or that a further investigation shall take place, or shall forthwith take such measures and give such directions for the trial of the prisoner in such competent Court of the District or place within which the offence was committed, as shall be most expedient for the ends of justice and the due execution of the laws.

Or apply for warrant to re-apprehend.

51. And be it enacted, that if in any case in which a preparatory examination shall have been, as aforesaid, transmitted to the Crown Prosecutor, the party accused shall have been already discharged by the Magistrate, it shall be competent for the Crown Prosecutor, should he so think fit, to apply to the District Court, or to the Recorder of the District in case the said Court shall not then be sitting, for a warrant to re-apprehend and commit to gaol such accused party in order to his trial; and upon such application, the said Court or Recorder shall make such order as shall to justice appertain.

When Magistrates may remove prisoners to another district gaol.

52. And be it enacted, that the Magistrate of any division shall and may lawfully, on an application to that effect signed by the Crown Prosecutor, grant warrant for the removal of any person detained in virtue of any legal warrant within the gaol of such division on any criminal charge to the gaol of any other division specified in such application, therein to be detained for further examination or for trial, or till liberated or removed therefrom in due course of law.

Prisoner may claim copy of warrant.

53. And be it enacted, that in every case where a person is committed for trial, he shall be entitled to demand a true copy of the warrant, under the hand of the officer, bearer thereof, or the keeper of the gaol in which he is imprisoned, who shall be liable in

Criminal Law Procedure.

the penalty of a sum not exceeding *fifty pounds* sterling if he refuse to give it within six hours after it is demanded by the prisoner or his agent.

54. And be it enacted, that every prisoner committed for trial in respect of crimes not capital is entitled, as soon as the warrant of commitment for trial is made out, to be admitted to bail.

Bail to be taken when crime is not capital;

55. And be it enacted, that for this purpose it shall be competent for the prisoner at the time of the commitment to apply verbally to the Magistrate granting the warrant of commitment to be immediately liberated on bail.

And may be tendered when warrant is made out;

56. And be it enacted, that at any period subsequent to the time of commitment it shall be competent for the prisoner to apply, by writing, to the Magistrate who granted the warrant of commitment, or to the Magistrate within whose division he is imprisoned, or to the District Court, or to the Recorder thereof, to be admitted to bail; but when the commitment is on a warrant issued by the District Court, or the Recorder thereof, it shall only be competent to apply for bail to the said District Court or the said Recorder. Every such written application for bail shall be in form of a petition, and shall be accompanied by a copy of the warrant of commitment, or affidavit that a copy is denied.

Or subsequently thereto, if in writing.

How where District Court or Recorder commits.

57. And be it enacted, that every Magistrate to whom an application for bail is made shall, within twenty-four hours after such application, determine whether the crime is bailable; and if so, notify the amount of the bail to be given; and failing to do so, shall be liable in the penalty of a sum not exceeding *one hundred pounds* sterling.

Determination as to bail to be within twenty-four hours.

58. And be it enacted, that in determining whether the crime for which the prisoner has been committed is bailable or not, the Magistrate shall, in the ordinary case, take the charge against the prisoner as he finds it on the face of the warrant of commitment.

Upon what that determination is to rest.

59. And be it enacted, that the District Court shall have power to bail in all cases whatever, whether capital or not, where innocence may be fairly presumed, and in every case where the charge is not alleged with sufficient certainty.

Powers of District Court as to bail.

60. And be it enacted, that in cases where a doubt may arise concerning the degree and quality of the crime, from the uncertain issue of the deed which has been done—as in the case of a wound, of which it cannot be foretold whether the sufferer shall die or recover—every Judge or Magistrate to whom application for bail is made may refuse to grant the same until all hazard of the life of the sufferer be at an end.

Where Magistrate may exercise a discretion.

61. And be it enacted, that the amount of the bail to be taken in each case shall be at the discretion of the Judge or Magistrate to whom the application to be admitted to bail shall be made; provided, that no person shall be required to give excessive bail.

Amount of bail at discretion of Magistrate, but not to be excessive.

62. And be it enacted, that in every case in which a prisoner considers himself aggrieved by the proceedings of any Magistrate, in having illegally committed him to prison or refused to admit him to bail or in having required excessive bail, it shall be competent to such prisoner to apply to the District Court, or, in case those Courts shall not be then sitting, to the Recorder of the said Court,

Where prisoner feels aggrieved, resort.

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who shall make such order thereon as, in the circumstances of the case, shall seem just.

As to recognizance.

63. And be it enacted, that the recognizance shall be taken by the Magistrate either from the prisoner alone or from the prisoner and one or more sureties at the discretion of the Magistrate, according to the nature and circumstances of the case; and the condition of such recognizance shall be, that the prisoner shall appear and answer to any indictment that shall be presented against him in any competent court for the crime or offence wherewith he is charged at any time within the space of six months from the date thereof, and that he will accept service of any such indictment, and summons thereon, at some certain place by him elected and therein expressed.

Gaol returns to be made to District Courts.

64. And be it enacted, that the keepers of all the gaols within the District of Natal shall, under a penalty of *five pounds* sterling, at each session of the District Court holden for the trial of criminal cases in the division in which such gaol shall be situated, deliver to the Court a list of all the persons confined within their respective gaols, which list shall specify the date of commitment of each prisoner and the cause of his imprisonment, and the name of the committing Magistrate.

Within what time prisoners must be brought to trial, or otherwise admitted to bail.

65. And be it enacted, that every prisoner who shall have been committed for trial within any division of the District of Natal, shall be brought to trial at the session of the District Court holden for the trial of criminals within such division next after such commitment, provided fourteen days shall have elapsed between his commitment for trial and such session, or else shall then be admitted to bail, unless it shall be made to appear, to the satisfaction of the Court, that in consequence of the absence of material evidence, or some other sufficient cause, the trial cannot then be proceeded in without defeating the ends of justice; or unless a warrant shall have been obtained from the said Court for the re-committal of the prisoner to gaol, in order to his trial before the said Court elsewhere, or in order to his trial before any inferior Court; Provided always, that when any trial shall be postponed or removed at the instance of the prisoner, he shall not, as matter of right, be entitled to be admitted to bail; And provided also, that if such prisoner shall not be brought to trial at the second session of the District Court, holden after the day of his commitment, for the trial of criminals within the division in which such prisoner shall have been committed, and shall not previously have been tried before any inferior Court, or before the District Court holden elsewhere, such prisoner shall be discharged from his imprisonment for that offence for which he shall have been committed for trial.

Exception.

When untried prisoner must be discharged.

Transmission of prisoner when re-committed for trial in another district.

66. And be it enacted, that when a warrant shall have been obtained from the District Court for the re-committal to gaol of any prisoner, in order to his trial before the said Court to be holden elsewhere, such prisoner shall forthwith be transmitted to the gaol mentioned in such warrant, and shall be tried at the next session of the said Court, holden for the trial of criminals in the place mentioned in such warrant; or otherwise shall be discharged from his imprisonment, for that offence for which he was transmitted for trial.

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67. And be it enacted, that no person who has been once discharged from gaol, in consequence of not being brought to trial within the period hereinbefore prescribed, shall be subject to be re-committed to gaol, either for examination or for trial, for the same offence.

Discharge under section 65 bars re-committal for same offence.

68. And be it enacted, that no person who has been admitted to bail, and who has not been duly brought to trial, shall be obliged to find further bail, or shall be subject to be committed to gaol, either for examination or trial, for the same offence, in respect of which he was formerly admitted to bail.

And if the party was bailed, fresh bail cannot be required.

69. And be it enacted, that neither any such discharge from imprisonment, nor the expiration of the recognizance, shall be any bar to any person being brought to trial in any competent Court, for any offence for which he was formerly committed to gaol, or admitted to bail.

But in either case the accused is liable to be tried.

70. And be it enacted, that the District Court shall, at the close of each session, discharge all such prisoners as by law shall then be entitled to liberation.

When discharge must take place.

71. And be it enacted, that all the penalties hereinbefore provided, shall be recoverable before the District Court, at the instance either of the Crown Prosecutor, or of the party aggrieved, without prejudice to the right of the prisoner to insist also for damages against the person incurring such penalties, in a civil action before any competent Court.

Penalties, how recoverable.

72. And be it enacted, that the form and manner of proceeding to be observed in the trial of crimes in the District Court aforesaid, shall be according to the rules, orders, and regulations, to be framed, constituted, and established by the said Court.

Form of proceeding.

73. And be it enacted, that in the interpretation of this Ordinance, the terms "Magistrate," and "officer of the law proper for "the execution of criminal warrants," shall, respectively, be taken to denote and comprehend all such persons as, under and by virtue of any future law or ordinance, shall be created, constituted, and declared to be such Magistrates and officers, respectively, within the meaning of this Ordinance; and that, whenever mention is made of any public functionary or officer, the functionary or officer mentioned shall be deemed to be such functionary or officer for the time being, or the officer acting as such, and that the singular number shall include several persons as well as one person, and that the masculine gender shall include females as well as males.

Interpretation—
"Magistrate,"
"Officer," &c.
Vide Law 10,
1857, § 61.

74. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof, by any Proclamation to be by the Lieutenant Governor of the said District for that purpose issued, and posted upon, or affixed to, any public place in Pietermaritzburg aforesaid.

When law to commence.

SCHEDULE.

Form of the Oath of Allegiance.

Vide Law 14,
1869.

I, , do sincerely promise and swear, that I will be

Criminal Law Procedure.—Deeds' Registry Office.

faithful and bear true allegiance to Her Majesty Queen Victoria.
So help me God.

Form of Oath of Office.

I, _____, do promise and swear, that I will faithfully and diligently execute to the utmost of my abilities, the several duties of the office of Crown Prosecutor for Natal. So help me God.

God save the Queen !

Given at the Cape of Good Hope, this Fourth day of December, 1845.

By command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,
(Signed) K. B. HAMILTON,
Clerk of the Legislative Council.

ORDINANCE No. 19, 1845.

Ordinance for altering, amending, and declaring, in certain respects, the Law of Evidence within the District of Natal.

Repealed by Law No. 17, 1859, sec. 18.

ORDINANCE No. 2, 1846.

(Signed) P. MAITLAND.

Ordinance for creating a Deeds' Registry Office for the District of Natal.

Preamble.

Vide Ord. 33,
1846.

Registrar of
Deeds at Natal
to be appointed
by Lieutenant
Governor.

Deeds, &c., to be
enregistered in
like manner as at
Capetown.

Deeds, &c., of a
nature compe-
tent or incom-
petent to be
registered at
Capetown, are,
*mutatis mutan-
dis*, competent
or incompetent
at Natal.

1. WHEREAS it is expedient to create a Deeds' Registry Office for the District of Natal: Be it enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the Lieutenant Governor of the District of Natal to appoint some fit and proper person to be and act as Registrar of Deeds for the said District.

2. And be it enacted, that it shall and may be lawful for such Registrar of Deeds, and he is hereby required, to certify, enregister, and subscribe all deeds, acts, and instruments relating to persons or property within the District of Natal, presented for registration and proper for the same, in manner and form as the Registrar of Deeds at Capetown is authorised and required to certify, enregister, and subscribe deeds, acts, and instruments, relating to persons or property within those parts of this Colony, other than the said District.

3. And be it enacted, that the Registrar of Deeds for the District of Natal shall certify, register, and subscribe no deed, act, or instrument, which deed, act, or instrument, *mutatis mutandis*, would, from its form or nature, be incompetent to be registered in the Deeds' Registry Office at Capetown; and, *vice versa*, every

Deeds' Registry Office.

deed, act, or instrument which would, from its form and nature, be competent to be registered in the Deeds' Registry Office at Capetown, shall, *mutatis mutandis*, be registered in the Deeds' Registry Office of Natal, and the same legal consequences, in every respect, which would attach to the registration or non-registration of any deed, act, or instrument, according to the laws now in force in those parts of this Colony, other than the said District of Natal, shall attach and become operative in regard to the registration or non-registration of any deed, act, or instrument of the same kind, denomination, or description, within the said District of Natal.

The legal effects of registration or non-registration extended to latter District.

4. Repealed by Law 21, 1866, § 1; repealed by Law 16, 1875.

Vide Law 16, 1875, § 1.

Clause substituted. [2. The several fees and charges following and none other shall be payable to the Registrar of Deeds on account of Her Majesty the Queen, her heirs, and successors, for the uses of the Government of this Colony, in regard to the several following matters and things respectively, that is to say :

Scale of fees and charges in Registrar of Deeds' Office authorised.

Vide Law 16, 1875, § 2.

[For the registration of any deed of transfer, mortgage bond, deed of hypothecation, or lease	£1	1	0
For the registration of every notarial bond or obligation in the name of each debtor and each surety, for each debtor and surety respectively	0	6	0
For the registration of every ante-nuptial contract, the same as payable on post-nuptial contracts	1	0	0
For a search of the books of transfer, debt registry, or any other search, for each name searched	0	2	6
For every registration, entry, or other act, to be made or done in the Deeds' Registry Office, not being any of the matters or things aforesaid, or otherwise specified by law, but not including endorsements by the Registrar of Deeds on transfer and other deeds... ..	0	4	6]

5. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any Proclamation to be by the Lieutenant Governor of the said District for that purpose issued, and posted upon or affixed to any public place in Pietermaritzburg aforesaid.

Ordinance, when to take effect.

God save the Queen!

Given at the Cape of Good Hope, this 7th day of January, 1846.

By command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,
(Signed) K. B. HAMILTON,
Clerk of the Legislative Council.

Fixing Legal Majority.

ORDINANCE No. 3, 1846.

Ordinance for regulating the payment of Transfer Duties in the District of Natal.

Repealed by Law No. 5, 1860. § 2.

ORDINANCE No. 4, 1846.

(Signed) P. MAITLAND.

Ordinance for fixing the Age of Majority within the District of Natal.

Preamble.

Repugnant laws
and usages
repealed.Ordinance No.
62, 1829, extended
to Natal—age of
majority, twenty-
one years.Ordinance, when
to take effect.

1. WHEREAS it is expedient to declare the legal age of majority of all persons residing or being within the District of Natal : be it therefore enacted, that all laws heretofore in force in the said District repugnant to or inconsistent with any of the provisions of this Ordinance shall be repealed, and the same are hereby repealed accordingly.

2. And be it enacted, that from and after the taking effect of this Ordinance, all and singular the clauses and provisions of the Ordinance No. 62, 1829⁽¹⁾, entitled " Ordinance for declaring the " age of twenty-one years to be the legal age of majority in this " Colony," shall have force and effect within the District of Natal in like manner precisely as if the same were herein again set forth and word for word repeated as part or portion of this Ordinance : Provided always, that in construing the said clauses and provisions the term " this Colony," as often as the same occurs therein, shall be deemed and taken to mean the District of Natal.

3. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any Proclamation to be by the Lieutenant Governor of the District aforesaid for that purpose issued, and posted upon or affixed to any public place in Pietermaritzburg, in the said District.

God save the Queen !

Given at the Cape of Good Hope, this 7th day of January 1846.

By command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,
(Signed) K. B. HAMILTON,
Clerk of the Legislative Council.

(¹) Vide *infra*.

Fixing Legal Majority.—Fieldcornets and Constables.

ORDINANCE No. 62, 1829.

(Signed) G. LOWRY COLE.

Ordinance for declaring the Age of Twenty-one Years to be the legal Age of Majority in this Colony.

1. WHEREAS doubts have arisen as to the legal age of majority of certain of His Majesty's subjects residing or being in this Colony ; and whereas it is expedient that such doubts should be removed, and that the same period of majority should be fixed for all persons whatever : Be it therefore enacted by His Excellency the Governor in Council, that from and after the passing of this Ordinance, all persons, when they shall attain, or who have already attained, the full age of twenty-one years, shall be deemed to have attained the legal age of majority.

Age of majority. twenty-one years.

2. Provided always, and be it further enacted, that nothing herein contained shall extend, or be construed; to alter the term at which, in any act, deed, will, contract, or agreement, passed, executed, or entered into prior to the passing of this Ordinance, any beneficial interest in favour of any person is provided, or declared to commence or determine.

Not to extend to acts, deeds, &c., prior to this Ordinance.

3. And be it further enacted, that nothing herein contained shall extend, or be construed, to prevent any testator from bequeathing his property in any such manner as by the laws of this Colony he might have done before the passing of this Ordinance.

Testator may bequeath property as before.

4. And be it further enacted, that nothing herein contained shall extend, or be construed to prevent, any person under the age of twenty-one years, from attaining his majority at an earlier period, by operation of law.

May attain majority earlier by operation of law.

God save the King !

Given at the Cape of Good Hope, 20th June, 1829.

By Command of His Excellency the Governor.

(Signed) JOHN BELL,
Secretary to Government.

By Order of the Council,

(Signed) K. B. HAMILTON,
Clerk of the Council.

ORDINANCE No. 5, 1846.

(Signed) P. MAITLAND.

Ordinance for creating Fieldcornets and Constables in and for the District of Natal.

1. WHEREAS it is expedient that the Lieutenant Governor of the District of Natal, should be authorized and empowered to appoint Fieldcornets and Constables to act in the said District : Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that the

Preamble.

Fieldcornets and Constables.—Justices of the Peace.

Lieutenant Governor of Natal may appoint Fieldcornets, policemen, &c.

Such persons to be officers of the law.

Magistrates may be empowered to appoint policemen, &c.

Ordinance, when to take effect.

said Lieutenant Governor shall have, possess, and exercise in regard to the District of Natal, all and singular the like powers and authorities for appointing Fieldcornets and policemen, and for fixing the limits of Fieldcornetries, and of the bailiwicks of constables and policemen as the Governor aforesaid has and possesses in regard to those parts of this Colony other than the said District : And every Fieldcornet, constable and policeman so appointed as aforesaid, shall be, within his ward or bailiwick, as the case may be, an officer of the law proper for the execution of criminal warrants, within the meaning of Ordinance No. 18, 1845 ; and shall, moreover, have and enjoy the powers and authorities, and perform the same or similar duties as those by law belonging to Fieldcornets, constables, and policemen respectively, in those parts of this Colony other than the District aforesaid.

2. And be it enacted, that it shall and may be lawful for the Lieutenant Governor aforesaid, by any writing under his hand, to authorize any Magistrate, Justice of the Peace, or other person within the District of Natal, to appoint constables and policemen respectively, in such numbers and under such conditions and regulations as the said Lieutenant Governor shall, from time to time, fix and prescribe ; and every constable or policeman so appointed shall have and possess the same powers and authorities as a constable or policeman appointed directly by the said Lieutenant Governor.

3. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any Proclamation to be by the Lieutenant Governor of the said District for that purpose issued, and posted upon or affixed to any public place in Pietermaritzburg in the said District.

God save the Queen !

Given at the Cape of Good Hope, this 7th day of January, 1846.

By command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed)

K. B. HAMILTON,
Clerk of the Legislative Council.

ORDINANCE No. 6, 1846.

(Signed) P. MAITLAND.

Ordinance for creating Justices of the Peace within the District of Natal.

Preamble.

1. WHEREAS it is expedient that Justices of the Peace should be appointed in and for the District of Natal, having the like powers and authorities as Justices of the Peace in other parts of this Colony : Be it therefore enacted by the Governor of the Cape

Justices of the Peace.

of Good Hope, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the Lieutenant Governor of the District of Natal to appoint, by commissions under his hand and seal, Justices of the Peace for the said District, and to assign to every such Justice of the Peace as the bounds or limits within which he shall be empowered to act, either the whole of the said District, or such a portion or division of the same as he the said Lieutenant Governor shall deem fitting and shall define.

Lieutenant Governor of Natal may commission Justices of the Peace.

2. And be it enacted, that every such Justice of the Peace shall before acting as such take and subscribe the oath of allegiance, and make and subscribe the declaration of office set forth in the schedule hereunto annexed, before the said Lieutenant Governor or the Recorder of Natal, or the Crown Prosecutor of Natal, or any other Justice of the Peace who shall himself have taken and subscribed the said oath and made and subscribed the said declaration.

Such persons to subscribe oath of allegiance and declaration of office.

Vide Law 14, 1869.

3. And be it enacted, that all and singular the clauses and provisions contained in the second and remaining sections of the Ordinance No. 32 of 1827, entitled, "Ordinances for creating 'Justices of the Peace in this Colony,'" (1) shall, except as hereinafter in this section excepted, be deemed and taken to apply to the jurisdiction, powers, rights, and privileges of Justices of the Peace appointed under and by virtue of this Ordinance, and that as fully as if the said sections were herein again set forth and word for word repeated. Provided, however, that when the Clerk of the Peace is mentioned and referred to in the third section of the said Ordinance, the Crown Prosecutor of Natal shall be deemed and taken to be meant and intended.

Jurisdiction, &c. Certain provisions of Ord. No. 32, 1827, to extend to Natal.

Vide Law 18, 1866.

4. And be it enacted, that every such Justice of the Peace shall be, and is hereby declared to be, a Magistrate within the meaning of the Ordinance No. 18, 1845, entitled, "Ordinance for regulating 'the manner of proceeding in Criminal Cases in the District of Natal.'"

Justices of the Peace to be Magistrates under Ordinance No. 18, 1845.

5. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any proclamation to be by the Lieutenant Governor of the District of Natal for that purpose issued, and posted upon or affixed to any public place in Pietermaritzburg in the said District.

Ordinance, when to take effect.

SCHEDULE.*Oath of Allegiance.*

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria. So help me God!

Vide Law No. 14, 1869.

Declaration of Office.

I, _____, do solemnly and sincerely declare, that, as a Justice of the Peace for the District of Natal, I will do equal right to rich

(1) Vide *infra*.

Justices of the Peace.

and poor to the best of my ability, and according to law ; and that I will well and truly discharge my duty as Justice of the Peace without fear, favour, or affection.

God save the Queen !

Given at the Cape of Good Hope, this 7th day of January, 1846.

By command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,
(Signed) K. B. HAMILTON,
Clerk of the Legislative Council.

ORDINANCE No. 32, 1827.

(Signed) RICHARD BOURKE.

Ordinance for creating Justices of the Peace in this Colony.

Lieutenant
Governor to
appoint Justices
of the Peace.

1. WHEREAS it is expedient for the preservation of the public peace, the security of individuals, and the due execution of the laws that Magistrates be appointed in the several Districts of this Colony, with power to apprehend, commit to prison, or hold to bail all vagrants, rioters, robbers, or other notorious offenders found within their several jurisdictions, in order that such offenders may be brought to trial ; and with power to do all other such matters and things as the said Magistrates may by law be appointed to do : Be it therefore enacted, and it is hereby enacted, that from and after the passing of this Ordinance it shall and may be lawful for the Governor or Lieutenant Governor for the time being from time to time as occasion may require to appoint Justices of the Peace, under the Great Seal of the Colony of the Cape of Good Hope, for Capetown and the district thereof, and the several country districts respectively, who shall take and subscribe the oath of allegiance and the oath of office set forth in the schedule hereunto annexed before the Chief Justice or any Judge of the Supreme or Circuit Courts, or before the Civil Commissioner or any Magistrate of the district for which such Justice is assigned to act (who are hereby empowered and required to administer the same) ; and the Clerks of the Peace respectively shall enter in the records of their respective districts that the said oaths were duly administered and taken.

Justices of the
Peace to have
power to preserve
peace, &c.

2. And be it further enacted, that from and after the passing of this Ordinance, the persons who shall be so appointed as aforesaid to act as Justices of the Peace, shall have power, and are hereby required, to preserve the public peace, and for that purpose to call to their aid and assistance all Fieldcornets, constables, and peace officers, military officers, and others, His Majesty's subjects, to quell all riots, brawls, or other disturbances, and to lodge all rioters, brawlers, vagrants, and disturbers of the peace, in any prison within

Justices of the Peace.

their respective jurisdictions, to be dealt with according to law, and they are hereby authorized and required to inquire of all crimes and offences committed, or alleged to be committed, within their respective jurisdictions, and for that purpose to summon and examine upon oath all witnesses, touching such crimes and offences, and to apprehend, and cause to be apprehended, all criminals and offenders, and to deal with them according to law : And the said Justices of the Peace are hereby authorized and required, upon information or complaint, in writing, upon oath made to them, or any of them, to cause to come before them all those who have used any threats towards any person or persons, whether regarding their bodies, or the firing of their houses, and to require of them sufficient security for the peace, or their good behaviour towards His Majesty or his subjects ; and if they shall not give such security, then to cause them to be safely kept in prison till they shall find such security.

To inquire of all crimes ;

To take sureties of the peace ;

3. And be it further enacted, that all Justices of the Peace shall cause all informations and complaints made to them, in writing, upon oath, as aforesaid, and all recognizances or other securities for keeping the peace, or for good behaviour, taken by them, to be sent to the Clerk of the Peace, acting for the District or place for which the said Justices are assigned respectively, within twenty-one days after such information or complaint made, or security taken ; and for every such information or complaint, made as aforesaid, and not sent as aforesaid, and for every such recognizance or security taken, and not sent as aforesaid, every Justice so offending, shall incur and be liable to the payment of a fine of twenty pounds sterling.

To forward informations, &c., to Clerks of the Peace.

4. And be it further enacted, that all gaolers and keepers of prisons shall receive into their custody, and safely keep, every person committed to their charge by warrant, under the hand and seal of any Justice of the Peace, until they be discharged by due course of law.

Gaolers to keep prisoners.

5. And be it further enacted, that no process shall be sued out against, nor any copy of any process at the suit of a subject, shall be served on any Justice of the Peace for any thing by him done in the execution of his office, until notice in writing of such intended process shall have been delivered to him, or left at the usual place of his abode, by the attorney or agent for the party who intends to sue, or cause the same to be sued out, or served, at least one calendar month before the suing out or serving the same ; in which notice shall be clearly and explicitly contained, the cause of action which such party has, or claims to have, against such Justice of the Peace, on the back of which notice shall be endorsed the name of such attorney or agent, together with the place of his abode.

Notice of action to be given to Justice.

6. And be it further enacted, that no person shall recover any judgment against any Justice of the Peace, in any case where the action shall be grounded upon any act of the defendant as Justice of the Peace, unless it is proved upon the trial of such action, that such notice was given as aforesaid ; but in default thereof, such Justice shall be entitled to a judgment and his full costs.

Such notice to be proved.

7. And be it further enacted, that it shall and may be lawful for such Justice of the Peace, within one calendar month after such notice given as aforesaid, to tender amends to the party complaining,

Justice may tender amends.

Justices of the Peace.

Where tender
sufficient,
judgment for
defendant.

or to the attorney or agent of such party ; and in case the same is not accepted, to plead such tender to any action to be brought against him grounded on such process, together with the plea of "not guilty," and any other plea, with the leave of the Court ; and if the Court before which such action is brought, shall find the amends so tendered to have been sufficient, then such Court shall give judgment for the defendant, and in such case, or in case the plaintiff shall not proceed in his action, or in case judgment shall be given for the defendant on any proceeding in the nature of a demurrer, such Justice shall be entitled to like costs as he would have been entitled to in case he had pleaded not guilty only ; and if the Court shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant on such other plea or pleas, then the said Court shall give judgment for the plaintiff, and such damages as the said Court shall think proper, together with the costs of suit.

Justice may pay
money into
Court.

8. And be it further enacted, that in case such Justice shall neglect to tender any amends, or shall have tendered insufficient amends, before the action brought, it shall and may be lawful for him, by leave of the Court where such action shall depend, at any time before the hearing of the said cause, to pay into the Court such sum of money as he shall see fit, whereupon such proceedings, orders, and judgments shall be had, made, and given in and by such Court, as in other actions where the defendant is allowed to pay money into Court.

Evidence con-
fined to notice:

9. And be it further enacted, that no evidence shall be permitted to be given by the plaintiff, on the trial of any such action as aforesaid, of any cause of action, except such as is contained in the notice hereby directed to be given.

Warrant in first
instance to be
demanded in
action against
constable, &c.

10. And be it further enacted, that no action shall be brought against any constable, or other officer, or against any person or persons acting by his order and in his aid, for any thing done in obedience to any warrant under the hand or seal of any Justice of the Peace, until demand hath been made or left at the usual place of his abode, by the party or parties intending to bring such action, or by his, or their, attorney or agent, in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand ; and in case after such demand and compliance therewith, by showing the said warrant to, and permitting a copy to be taken thereof by, the party demanding the same, any action shall be brought against such constable, or other officer, or against such person or persons acting in his aid, for any such cause as aforesaid, without making the Justice or Justices who signed or sealed the said warrant, defendant or defendants, that, on producing and proving such warrant at the trial of such action, the Court shall give their judgment for the defendant or defendants, notwithstanding any defect of jurisdiction in such Justice or Justices ; and if such action be brought jointly against such Justice or Justices, and also against such constable, or other officer, or person or persons acting in his or their aid, as aforesaid, then on proof of such warrant, the Court shall find for such constable or other officer, and for such

Justices of the Peace.

person or persons so acting as aforesaid, notwithstanding such defect of jurisdiction as aforesaid; and if the judgment shall be given against the Justice or Justices, that in such case the plaintiff or plaintiffs shall recover his or their costs against him or them, to be taxed in such manner by the proper officer, as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants, for whom such judgment shall be found as aforesaid.

Double costs
where allowed.

11. And be it further enacted, that where the plaintiff, in any such action against any Justice of the Peace, shall obtain a judgment, in case the Judge before whom the cause shall be tried, shall, in open Court, certify on the back of the record, that the injury for which such action was brought, was wilfully and maliciously committed, the plaintiff shall be entitled to have and receive double costs of suit.

Limitation of
action.

12. And be it further enacted, that no action shall be brought against any Justice of the Peace, for anything done in the execution of his office, or against any constable, or other officer, or person acting as aforesaid, unless commenced within six calendar months after the act committed.

SCHEDULE.

Form of the Oath of Allegiance.

Vide Law 14,
1869.

I, _____, do sincerely promise and swear, that I will be faithful, and bear true allegiance to [* * * *]
So help me God!

Vide Law 14,
1869, § 7.

Form of the Oath of Office to be taken and subscribed by Justices of the Peace.

Vide Law 14,
1869.

I, _____, do swear, that as Justice of the Peace in the _____ of _____, in all articles in the Governor or Lieutenant Governor's commission to me directed, I will do equal right to the rich and to the poor, to the best of my ability and power, and according to the laws and customs of the Colony, and Ordinances and Proclamations thereof; and I will not be of counsel of any quarrel depending before me; and the issues, fines, amerciaments, that shall happen to be made, and all forfeitures that shall fall before me, I will cause to be entered without any concealment or embezzling, and will truly send them to the Colonial Treasury, or otherwise dispose of them according to law; I will not obstruct the course of Justice for gift or other cause, but well and truly will discharge my duty as Justice of the Peace, without partiality, favour, or affection. So help me God!

God save the King!

Given at the Cape of Good Hope, this 11th December, 1827.

By Command of His Honour the Lieutenant Governor,
(Signed) R. PLASKET,
Secretary to Government.

By Order of the Council,
(Signed)

D. M. PERCEVAL,
Clerk of the Council.

Resident Magistrates.

ORDINANCE No. 14, 1846.

Ordinance for Improving the Law of Evidence.

Repealed by Law No. 17, 1859, sec. 18.

ORDINANCE No. 16, 1846.

(Signed) P. MAITLAND.

Ordinance for creating Resident Magistrates within the District of Natal.

Preamble.

1. WHEREAS it is expedient to provide for the more effectual administration of justice within the District of Natal, and for that purpose to create and establish certain inferior Courts within the same: Be it therefore enacted, by the Governor of the Colony of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the Lieutenant Governor of the District of Natal from time to time as occasion may require to appoint one Magistrate, who shall be called "the Resident Magistrate," for each and every division into which the said District of Natal shall be divided for the purposes of this Ordinance, as hereinafter mentioned.

Lieutenant
Governor to
appoint Resident
Magistrates.

Vide Ord. 12,
1852.

Lieutenant
Governor to
divide District of
Natal.

Vide Law 6,
1859.

2. And be it enacted, that it shall and may be lawful for the said Lieutenant Governor, by any Proclamation to be by him made and issued, and to be posted or affixed in like manner as the certain other Proclamation in the last section of this Ordinance mentioned, from time to time to divide the said District of Natal into so many divisions as he shall, for the purpose of this Ordinance, deem to be necessary or convenient, and the limits of every such division to alter as occasion may require; and every person so appointed to be the Resident Magistrate of any such division shall have jurisdiction within the same.

Vide Ord. 12,
1852.

Oaths to be
taken by Resi-
dent Magis-
trates.

Vide Law 14,
1863.

3. And be it enacted, that every person who shall be appointed such Resident Magistrate shall take and subscribe the oath of allegiance and the oath of office, set forth in the schedule hereunto annexed, before the Recorder of the District of Natal, or before any Justice of the Peace within the said District, who are hereby empowered and required to administer the same.

Extent of their
jurisdiction in
civil cases.

Vide Ord. 1, 1849;
Ord. 8, 1852; and
Law 10, 1863.

4. And be it enacted, that every such Resident Magistrate shall have jurisdiction in all civil cases within the division for which he shall have been appointed wherein the sum or matter in dispute shall not exceed the amount or value of £15, and wherein the title to any lands or tenements, or any fee, duty, or office, is not in question, or whereby rights in future cannot be bound.

In criminal.

Vide Law 10,
1857.

5. And be it enacted, that the said Resident Magistrate shall have jurisdiction, without appeal, in all cases of crimes and offences wherein any person may be accused of any crime or offence not punishable by death, banishment, or transportation. Provided always, that it shall not be lawful for any Resident Magistrate to punish any offender in any higher or more severe manner than by fine not exceeding £10, and imprisonment, with or without hard labour, for a period not exceeding three months, and by whipping

Resident Magistrates.

privately in prison not exceeding twenty-five lashes ; except as to such crimes or offences for the commission of which any higher or more severe punishment, whether by fine or imprisonment, or both, shall be provided, and in which jurisdiction shall be expressly given by any special Law or Ordinance.

6. And be it enacted, that such Resident Magistrates shall have jurisdiction in all cases of fines or penalties not exceeding £40 which have been or shall be imposed on persons for offences by any Ordinance which at any time hereafter shall be in force in the said District of Natal, for the recovery of which no provision repugnant to or inconsistent with the provisions contained in this and in the three next succeeding sections of this Ordinance shall be expressly made in such Law or Ordinance. And such fines or penalties shall be recovered before the Resident Magistrate of the division in which the respective offences shall be committed ; and shall, in case of non-payment thereof be levied by warrant of distress, and sale of the goods and chattels of the offender ; or enforced, at the discretion of such Resident Magistrate, by such special commitment in execution as is hereinafter prescribed for, and declared generally applicable to the recovery of such fines and penalties.

And in regard to fines and penalties.

Proceedings in event of non-payment of fines.

7. And be it enacted, that whenever it shall appear to any Resident Magistrate by whom any fine or penalty shall be adjudged to be paid, upon the return of such warrant of distress, that no sufficient goods and chattels of the offender can be found whereof to levy such fine or penalty within the jurisdiction of such Resident Magistrate, it shall be lawful for such Resident Magistrate to issue forth his warrant for committing such offender to the common gaol for any term not exceeding three calendar months, unless such fine or penalty shall be sooner paid ; or in case it shall appear to the satisfaction of such Resident Magistrate, either by the confession of the offender or otherwise, that he hath not sufficient goods or chattels within the jurisdiction of such Resident Magistrate whereof to levy such fine or penalty, such Resident Magistrate may, at his discretion, without issuing any warrant of distress, proceed to the commitment of such offender or offenders in such and the like manner as if a warrant of distress had been issued, and a return of *nulla bona* made therein as aforesaid.

Defaulters may be imprisoned if goods insufficient to meet distress.

Or without distress, if no property.

8. And be it enacted, that in case any offender or offenders committed to the common gaol merely for the non-payment of any such fine or penalty shall, at any time during the period of his imprisonment, pay or cause to be paid to the keeper of such common gaol the full amount of such fine or penalty, it shall be lawful for such keeper of such common gaol, and he is hereby required, forthwith to discharge such offender from his custody.

Defaulter to be released if fine paid during imprisonment.

9. And be it enacted, that all fines and penalties imposed by any Resident Magistrate shall, unless it be otherwise expressly provided by the Law or Ordinance imposing the same, be paid into the District Treasury : Provided, that it shall and may be lawful for the Lieutenant Governor of the District of Natal in each particular case to determine, award, and direct what share, if any, of the amount of any fine imposed shall be paid to any person who may have given information concerning the same.

Fines to be paid to District Treasury, unless otherwise provided.

Lieutenant Governor may award share of fine to informer.

Resident Magistrates.

Magistrates under this Ordinance to be Magistrates within meaning of Ordinance No. 18, 1845.

In what divisions offences may be tried.

Offences against persons or property in or upon vehicles or vessels triable in any division through which they may have passed.

Courts to be held twice a week.
Vide Law 6, 1846.

To be Courts of Record.

Appeal or review before Recorder.
Vide Law 10, 1847.

Public prosecutions, how to be conducted.

Parties may conduct their own cases.

10. And be it enacted, that every Resident Magistrate appointed under and by virtue of this Ordinance shall be, and is hereby declared to be a Magistrate within the meaning of the Ordinance No. 18, 1845, entitled, "Ordinance for regulating the manner of proceeding in Criminal Cases in the District of Natal;" and shall also be, *ex officio*, a Justice of the Peace.

11. And be it enacted, that when any crime or offence of such a nature as to be within the jurisdiction of the Resident Magistrate shall be committed on the boundary or boundaries of two or more divisions, or within two miles of any such boundary or boundaries, or shall be begun in one division and completed in another, every such crime or offence may be dealt with, inquired of, tried, determined, and punished by the Resident Magistrate of any of the said divisions in the same manner as if it had been actually and wholly committed therein.

12. And be it enacted, that when any crime or offence shall be committed on any person, or on or in respect of any property, in or upon any coach, wagon, cart, or other carriage whatever employed in any journey, or on board any vessel whatever employed on any voyage or journey upon any river within the District of Natal, such crime or offence may be dealt with, inquired of, tried, determined, and punished by the Resident Magistrate of any division through any part whereof such person, coach, wagon, cart or carriage, or vessel shall have passed in the course of the journey or voyage during which such crime or offence shall have been committed, in the same manner as if it had been actually and wholly committed in such division.

13. And be it enacted, that every such Resident Magistrate shall hold a Court and enquire of all causes or actions, whether civil or criminal, which shall be brought before him, over which jurisdiction is hereby given to him, in the Court Room of his division or place, on two days in the week at the least, and oftener if occasion shall require.

14. And be it enacted, that the said Courts shall be, and the same are hereby declared to be, Courts of Record.

15. And be it enacted, that it shall and may be lawful for any party conceiving himself aggrieved by any judgment or decision of any Resident Magistrate (save and except such judgments or decisions as may have been made under and by virtue of the fifth section of this Ordinance), to appeal against such judgment or decision to the District Court of Natal, or otherwise to bring the same under the review of the said Court.

16. And be it enacted, that all prosecutions at the public instance before the said Courts of Resident Magistrate shall be instituted and conducted by the Crown Prosecutor, or by such person or persons as he may from time to time appoint for that purpose.

17. And be it enacted, that it shall and may be lawful and competent for any private party so connected with and affected by any alleged crime or offence as to come within the principle of the 14th and 15th sections of Ordinance No. 18, 1845, to prosecute summarily, by complaint in any Resident Magistrate's Court, for such crime or offence, provided the same be within the jurisdiction of the said Court.

Resident Magistrates,

18. And be it enacted, that in every case of any such summary prosecution as aforesaid, it shall be lawful for the Crown Prosecutor or other officer who by law is entitled to prosecute at the public instance in such Court, at any stage of the prosecution to appear in Court, and to take up the prosecution of such complaint at the public instance, and thereafter to conduct the proceedings in such case, as if the prosecution had been originally at the public instance, or to apply by motion to the Resident Magistrate to stop all further proceedings in such case, in order that a prosecution for the same crime or offence may be instituted at the public instance in some other form or Court, and such Resident Magistrate shall in every case be bound to make an order in terms of such motion.

But Public Prosecutor may take up, conduct, or stay further proceedings, if necessary.

19. And be it enacted, that when in the course of any trial in the Court of any such Resident Magistrate, it shall appear that the crime or offence under trial is from its nature or magnitude only subject to the jurisdiction or more proper for the cognizance of the District Court, then the Resident Magistrate before whom such Court is held shall stop the trial, and shall commence and take a preparatory examination under and according to the provisions of the Ordinance No. 18, 1845.

When Magistrate may stop further proceedings.

20. And be it enacted, that all sentences, decrees, judgments, writs, summonses, notices, rules, orders, warrants, commands, and other proceedings of the said Courts shall be and shall be made in the English language; and in all criminal cases, the witnesses against and for any accused person or persons shall declare their evidence *vidæ voce* and in open Court.

All proceedings and documents to be in English.

Evidence to be *vivæ voce*, and in open court.

21. And be it enacted, that it shall and may be lawful for the Lieutenant Governor of the said District of Natal, from time to time, by any such proclamation as aforesaid, to separate, should he see cause so to do, the civil jurisdiction hereby conferred upon the Courts of Resident Magistrates from the criminal jurisdiction hereby conferred upon such Courts, and either to appoint within the same limits, two separate persons as Resident Magistrates, respectively to administer, the one the civil, and the other the criminal jurisdiction within the said limits, or, otherwise, to assign distinct and different limits for the civil and criminal jurisdictions, so that one Resident Magistrate shall have jurisdiction in civil cases, within certain limits, and another Resident Magistrate shall have jurisdiction in criminal cases, within certain other limits, or so that any Resident Magistrate may have a united civil and criminal jurisdiction within certain limits, and also a civil or criminal jurisdiction (as the case may be), within certain other limits within which the criminal or civil jurisdiction (as the case may be), shall belong to some other Resident Magistrate.

Lieutenant Governor may separate civil from criminal jurisdiction, and make other arrangements in that respect.

22. And be it enacted, that it shall and may be lawful for the Lieutenant Governor of the District of Natal, by and with the advice of the Recorder of Natal, to frame such rules and regulations as to him may seem fit, touching and concerning the officers to be attached to such Courts, and the process of the said Courts in civil and criminal cases respectively, and the practice to be observed therein, in such cases respectively, and the manner and form of carrying the judgments or decisions of such Courts into execution,

Lieutenant Governor may, with advice of Recorder, frame rules for such Courts.

Vide Appendix.

Resident Magistrates.

Proviso.

and the time within which appeals therefrom must be presented, and the conditions upon which such appeals shall be allowed, and the time within which such judgments or decisions must be brought in review, and the persons entitled to appear and act as agents in the said Courts, and the fees and charges to be allowed to such agents, and the fees and charges to be taken by the officers of the said Court, and generally all such other rules and regulations as may be necessary to give full and complete effect to the jurisdiction of the said Courts: Provided always, that no such rules or regulations shall be repugnant to, or inconsistent with, any of the provisions of this Ordinance, and that such rules and regulations shall, as much as may be, be in general conformity with any rules and regulations touching the same subject matter in force in the Courts of Resident Magistrates in those parts of this Colony, other than the District of Natal, and that such rules and regulations shall be promulgated for general information in such manner as to the said Lieutenant Governor shall seem fitting.

Interpretation.

23. And be it enacted, that in the interpretation of this Ordinance, the term "Lieutenant Governor," shall mean the officer, for the time being, administering the Government of the District of Natal; and that, whenever mention is made of any Resident Magistrate or other public officer, such officer shall be deemed to be the officer, for the time being, acting as such, and that the singular number shall include several persons as well as one person, and that the masculine gender shall include females as well as males.

Ordinance, when to commence.

24. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof, by any Proclamation to be by the Lieutenant Governor of the said District for that purpose issued, and posted upon, or affixed to, any public place in Pietemaritzburg.

SCHEDULE.

Oath of Allegiance to be taken by the Resident Magistrate.

Vide Law 14,
1869.

I, _____, do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria. So help me God!

Oath of Office to be taken by the Resident Magistrate.

I, _____, do swear, that faithfully and honestly, and to the best of my ability and power, I will discharge my duty as a Resident Magistrate appointed under and by virtue of Ordinance No. 16 of 1846. So help me God!

God save the Queen!

Given at the Cape of Good Hope, this 24th day of April, 1846.

By command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed)

W. SMITH,
Acting Clerk of the Legislative Council.

Marriage Law.

ORDINANCE No. 17, 1846.

(Signed) P. MAITLAND.

Ordinance to amend the Law regarding Marriages within the District of Natal. Vide Law 2,
1876.

1. WHEREAS it is expedient that the provisions of the Order of Her Majesty in Council, bearing date the 7th of September, 1838, amending the Marriage Laws of certain colonies, plantations, and possessions in the said Order mentioned, should, so far as they can be applied, be extended to the District of Natal: Be it therefore enacted, that any laws, customs, or usages heretofore in force in the said District, so far as the same are repugnant to or inconsistent with any of the provisions of this Ordinance shall be repealed, and the same are hereby repealed accordingly. Preamble.

2. And be it enacted, that all and singular the clauses and provisions of the said Order in Council of the 7th of September, 1838 (¹), so far as the same can be applied to the said District of Natal, shall be of force and effect within the said District precisely as if all the clauses and provisions thereof which can be so applied were herein again set forth as so many clauses and provisions of this Ordinance, and expressly applied to the said District: Provided always, that all and singular the clauses and provisions of the said Order in Council which are hereinbefore constituted and declared to be clauses and provisions of this Ordinance, shall be taken and construed for the purposes of this Ordinance as they would have been taken and construed in the said Order in Council had the same, when originally issued, embraced or extended to the said District of Natal, as a distinct Colony separate from the Colony of the Cape of Good Hope. Existing Marriage Laws, &c.,
at Natal repealed.

3. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any Proclamation to be by the Lieutenant Governor of the District aforesaid for that purpose issued, and posted upon or affixed to any public place in Pietermaritzburg. Provisions of Her Majesty's Order in Council of 7th September, 1838, to have effect at Natal, as far as applicable.

God save the Queen!

Given at the Cape of Good Hope, this 24th day of April,
1846.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed) W. SMITH,
Acting Clerk of the Legislative Council.

(¹) Vide *infra*.

Marriage Law.

At the Court, at Windsor, the Seventh day of September, 1838.

Present—

The Queen's Most Excellent Majesty.

The Lord Chancellor.
The Earl of Albemarle.
The Viscount Falkland.

The Viscount Palmerston.
The Viscount Melbourne.
The Lord Glenelg.

Preamble.

1. WHEREAS, since the abolition of slavery throughout the British Colonies, plantations, and possessions abroad, the marriage laws of the said Colonies, plantations, and possessions, have been found inappropriate to the altered condition thereof, and inadequate to the increased desire for lawful matrimony therein : And whereas it is expedient and necessary to amend the said marriage laws, and to adapt the same to the altered state and condition of society, in the said Colonies, plantations, and possessions.

Ministers may publish banns according to the usage of their persuasion for three Sundays before solemnisation of marriage, in their own churches, in the parish in which both or one of the parties reside.

2. It is therefore hereby ordered, by the Queen's Most Excellent Majesty, by and with the advice of her Privy Council, that from and after the taking effect of this order, it shall be lawful for any minister of the Christian religion, ordained or otherwise, set apart to the ministry of the Christian religion, according to the usage of the persuasion to which he may belong, to publish, within the Colonies of British Guiana, Trinidad, St. Lucia, the Cape of Good Hope, and Mauritius, or any of them, banns of marriage between persons desirous of being joined together in matrimony, and such publication shall be made, in an audible manner, some time during public divine service, on a Sunday, in the face of the congregation, before whom such minister shall officiate, in the parish in which both or one of the parties to be married shall dwell, and shall contain the christian and other name and surname, and place of abode of each of the said parties, and shall be so published by some such minister, for three Sundays preceding the solemnization of the marriage—during the morning service, if there be service in the morning—or if there shall be no morning service, then during the evening service.

How banns to be published when parties live in different parishes, or are of different persuasions.

3. And if the parties to be married shall dwell in different parishes, the banns shall be published in like manner in both such parishes ; and if the said parties shall be of different persuasions, the banns shall be published in like manner before each of the congregations to which the said parties may respectively belong, whether both the said congregations shall assemble in the said parish or not.

How banns to be published in extra-parochial place.

4. And where one or both of the parties shall dwell in any extra-parochial place, then, if there be a congregation of the persuasion to which any such party shall belong assembling for public divine worship as aforesaid, in such extra-parochial place, the banns of the party or parties dwelling in such extra-parochial place, shall be published in manner aforesaid, in such extra-parochial place.

How banns to be published in extra-parochial place where no congregation to which either party belongs.

5. And if there shall be no such congregation in such extra-parochial place, then the banns of each of the parties to be married as shall dwell in such extra-parochial place, shall be published in manner aforesaid, in some parish next adjoining to such extra-parochial place.

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6. And in cases where the banns shall have been published in different places, the officiating minister at either of the said places shall, on the request of both or either of the parties whose banns shall have been published as aforesaid, give to the party requiring the same, a certificate of the banns having been duly published in the place of which he is an officiating minister, and on the production of such certificate to the officiating minister of the other place where the banns were published, or of such certificates to any other such minister as aforesaid, in the parish or extra-parochial place, to which one of the parties shall belong, it shall be lawful for such minister where the banns were published, on receiving such certificate from such other minister where the banns were published, or for such minister as aforesaid, to whom the certificates of such ministers of both places where the banns were published shall be produced, on receipt of such certificate or certificates, as the case may be, to solemnize matrimony between the said parties, according to such form and ceremony as shall be in use, or be adopted, by the persuasion to which the minister solemnizing such marriage shall belong.

7. Provided, that whenever the form and ceremony used shall be other than that of the United Church of England and Ireland, each of the parties shall, in some part of the ceremony, make the following declaration :—

“ I do solemnly declare, that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C. D., here present.”

And each of the parties shall say to the other—

“ I call upon these persons here present to witness that I, A. B., do take C. D. to be my lawful wedded wife (or “ husband).”

8. And it is hereby further ordered, that no minister shall be obliged to publish banns between any persons whomsoever, unless the persons to be married shall, two days at least before the time required for the first publication of such banns respectively, deliver, or cause to be delivered to such minister, a notice of their true Christian and other names and surnames, and a description of their place, or respective places of abode, in such parish or extra-parochial place as aforesaid, and of the time during which they have dwelt in such place or places.

9. And that it shall not be lawful for any minister to solemnize any marriage after three calendar months from the last publication of banns of such marriage; and in all cases where three calendar months shall have elapsed without the marriage having been solemnized, the publication of such banns shall be void; and before the said parties can be married by banns, it shall be necessary to republish the banns anew, in manner and form aforesaid, as if no banns had ever been published between them.

10. And be it further enacted, that no such minister as aforesaid, who shall solemnize any marriage after due publication of banns as aforesaid, between persons, both or one of whom, not being a widow or widower, shall, at the time of such marriage, be under legal age, shall be answerable, or responsible, or liable, to any pain, penalty, or

On the production of certificate of due publication of banns, any minister may solemnize matrimony according to the form of his persuasion.

When such form is not that of the Church of England, declaration to be made, and witnesses to be invoked.

Two days before publication of banns, minister to be furnished with names and descriptions of parties, &c.

Marriage cannot be celebrated after the lapse of three months from the last publication of banns.

Ministers who solemnize marriage of minors not punishable, unless parents or guardians shall have forbidden

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the marriage, in which case the publication of banns shall be void. Exception as to widow or widower.

License shall authorize solemnization in any place, and by any minister who could solemnize if banns had been published.

Vide Law 2, 1876, §§ 1, 2.

Governor may appoint marriage officers for districts within which they may celebrate marriages.

And to direct the manner by which the intention of parties to marry before such officers shall be made public.

As to marriages of minors before such officer.

Where marriage not according to form of Church

proceeding, for having solemnized such marriage without the consent of the parents or guardians, or other person, if any, whose consent is required by law, unless such parents or guardians, or other person, or one of them, shall forbid the marriage, and give notice thereof to such minister before he has solemnized the same; and in case such marriage shall be forbidden as aforesaid, and such notice shall be given as aforesaid, the publication of the banns for such marriage shall be absolutely void.

11. And it is hereby further ordered, that where, by any law in force, or which may hereafter be in force, in any of the Colonies to which this order applies, by which licenses for marriage, without the publication of banns, may be granted or issued in any such Colony by the Governor thereof, or any other civil authority therein, it shall be lawful for the parties intending marriage, or either of them, to require that such license shall authorize the solemnization of the marriage, in respect of which such license is applied for, in any place where and by any minister, by whom such marriage could have been solemnized by virtue of this act, if banns thereof had been published as aforesaid.

12. And whereas it may happen that, in some of the Colonies to which this order applies, or in some parts thereof respectively, there may not be any such minister as aforesaid, or not a sufficient number of such ministers to afford convenient facilities for marriage, and it is expedient to provide for such cases: It is therefore further ordered, that in every such case, and whenever the same shall happen in any of the said Colonies, it shall be lawful for the Governor of such Colony to appoint, by writing, under his hand and official seal, one or more such fit and proper person or persons as he shall, from time to time, deem necessary or expedient, to be called the marriage officer, to solemnize marriages within such part or parts of the Colony in which such appointment shall be made, as the Governor shall, from time to time, direct; and it shall be lawful for the Governor, at any time, and from time to time, to revoke and cancel any such appointment or appointments, and to alter, vary, enlarge, or contract, the District or Districts in which any person so appointed shall have power or jurisdiction to celebrate marriage, for any cause which to him shall seem meet, and every such appointment shall specify the part or District within which the person thereby appointed shall have power and jurisdiction to celebrate marriage.

13. And until some law shall be made, passed, allowed, and promulgated, for regulating marriages by persons so appointed, it shall be lawful for the Governor, and he is hereby required, to direct, declare, and promulgate the manner by which the intention of parties to marry before any such marriage officer shall be made public.

14. Provided always, that it shall not be lawful for any such marriage officer to solemnize marriage between persons, one or both of whom shall be under lawful age (unless in the case of a widow or widower) after such marriage shall be forbidden, and notice thereof given to him by any person having lawful authority to forbid the same.

15. Provided always, that in every marriage before any such marriage officer, not celebrated according to the form of the United

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Church of England and Ireland, the parties shall, in some part of the ceremony, respectively, make the declarations hereinbefore set forth, as in the case of marriage by any such minister as aforesaid.

16. Provided also, that every such minister as aforesaid may, nevertheless, publish banns, and celebrate marriage, under and by virtue of this Order, in any part or District, within which any such marriage officer shall have power or jurisdiction to celebrate marriage, as fully as if no such marriage officer had ever been appointed.

17. And whereas it may happen that the parents or parent, guardians or guardian, of one or both of the parties to be married, may be *non compos mentis*, or absent from the Colony, or otherwise incapable, in law or in fact, of consenting, or may be induced unreasonably and improperly to withhold his, her, or their consent to a proper marriage, or may be dead:—It is therefore hereby ordered, that in case any such parent or guardian, whose consent is necessary to a marriage, shall be *non compos mentis*, or absent from the Colony, or otherwise incapable, as aforesaid, of consenting, or shall withhold his, her, or their consent to any marriage; or in case there shall be no one capable of consenting, it shall be lawful for any person desirous of marriage, to whose marriage such consent is necessary, but cannot be given, or is withheld, to apply, by petition, to the Chief Civil Judge, or person officiating as such, for the time being, of the Colony, who is hereby empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall, upon examination, appear to him to be proper, the said Chief Civil Judge, or person officiating as such, shall judicially declare, by his order, in writing, that such marriage is proper, and may be solemnized forthwith; and every marriage duly solemnized in pursuance, or under the authority or direction of such order, shall be as good, valid, and effectual, to all intents and purposes whatsoever, as if such consent as aforesaid had been duly given thereto.

18. And it is hereby further ordered, that after the solemnization of any marriage, under or by virtue of this act, it shall not be necessary, in support of such marriage, or in any action, suit, or proceeding, when the same may come into question, to give any proof of the actual dwelling of the parties married, or of either of them, before the marriage, or that the banns were published, or that the marriage was solemnized in the place, and by a person where and by whom the same ought to have been published and solemnized respectively, nor shall any evidence be received to prove the contrary.

19. And it is hereby further ordered, that in no case whatsoever shall any suit or proceeding be had in any Court or before any jurisdiction whatsoever, to compel the celebration of any marriage by reason of any promise or marriage contract entered into, or by reason of seduction, or of any cause whatsoever which shall arise after the taking effect of this Order, any law or usage to the contrary notwithstanding.

20. Provided always, that nothing herein contained shall prevent any person aggrieved from suing for or recovering damages in any Court, or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage, or for seduction, or other cause as aforesaid.

of England, declaration to be made.

Ministers may publish banns and solemnize marriages within districts of such officers.

When consent of parents or guardians cannot be given, or is withheld, parties may petition Chief Civil Judge, who shall summarily hear and decide whether the marriage may be solemnized or not.

Evidence of certain matters not to be required or received in suits regarding the validity of marriages.

Action to compel marriage by reason of promise or seduction not to be entertained.

Actions for damages on these grounds not affected.

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Marriages (except by license) to be solemnized between eight and four o'clock, in the presence of witnesses, and entry to be made thereof in the register, and whether by banns or license, and the age and condition of parties, &c.; such entry to be signed and attested.

21. And in order to preserve evidence of marriages, and to make the proof thereof certain and easy, and for the direction of such ministers and marriage officers as aforesaid in the registration thereof, it is hereby further ordered, that from and after the passing and taking effect of this Order, all marriages (except marriages by special license to marry at any time and place where such special licenses can be lawfully granted), shall be solemnized with open doors between the hours of eight in the forenoon and four in the afternoon, in the presence of two or more credible witnesses beside the minister or marriage officer who shall solemnize the same; and that immediately after the solemnization of every marriage, an entry thereof shall be made in a marriage register book to be kept for that purpose by some such minister or marriage officer as aforesaid, or in some safe custody, for the place in which marriages may be solemnized; and in every such entry in every such register, it shall be expressed that the marriage was had by banns or license; and if both or either of the parties married by license be under age, and not a widow or widower, that it was had with the consent of the parents or guardians, or other person or persons having lawful authority to withhold consent to the marriage, or after such order of the Chief Civil Judge, or other person officiating as such, as aforesaid, and shall be signed by the minister or marriage officer as the case may be, with his proper addition, and by the parties married, and shall be attested by such two witnesses; and every such entry shall be in the form or to the effect of the following specimen:

ORIGINAL REGISTER.

1838. *Marriages solemnized at Georgetown, in the Parish of* ,
in the County of , 1838.

No.	When Married.	Names and Surnames.	Ages.	Condition.	Rank or Profession.	Residence at the time of Marriage	After Banns or License.	Consent, by whom given, or Judge's Order.
1	1st Aug. 1838	John Williams	Full Age	Bachelor	Carpenter		After Banns	
		Lucy Chambers	Minor	Spinster.				Henry Chambers Father

Married, in the Wesleyan Chapel at Georgetown aforesaid, after banns, by me, A. B., Wesleyan Minister.

This marriage was solemnized between

Us, { John Williams, } In the presence of us, { C. D.
{ Lucy Chambers, } { E. F.

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And of every such entry, at the same time, before the parties depart, shall then and there be made in, a separate piece of paper, parchment, or vellum, a duplicate original register in which the same matter shall be entered and signed and attested by the same parties, in manner or to the effect of the following specimen :—

DUPLICATE ORIGINAL REGISTER.

1838. *Marriages solemnized at Georgetown, in the Parish of , in the County of , 1838.*

No.	When Married.	Names and Surnames.	Ages.	Con- dition.	Rank or Pro- fession.	Residence at the time of Marriage	After Banns or Li- cense.	Consent, by whom given, or Judge's Order.
1	1st Aug. 1838.	John Williams	Full Age	Bache- lor	Carpenter		After Banns	
		Lucy Chambers	Minor	Spin- ster				Henry Chambers Father

Married, in the Wesleyan Chapel at Georgetown aforesaid, after banns, by me, A. B., Wesleyan Minister.

This marriage was solemnized between

Us, { John Williams, } In the presence of us, { C. D.
{ Lucy Chambers, } { E. F.

Examined with the Original Register by me, and found to be correct. A. B.

Which said duplicate original register shall be left in the hands of the minister, or marriage officer by whom the marriage was solemnized ; and every such duplicate original register shall, within one calendar month from the date thereof, be transmitted to the Colonial Secretary of the Colony, if there be one, and all such duplicates shall be filed, and safely preserved by him in his office ; and every such original register, and also every copy thereof certified under the hand of the minister or marriage officer who for the time being shall have the lawful custody of the original, to be a true copy, and every such duplicate original register, and also every copy thereof certified under the hand of such Colonial Secretary to be a true copy, shall respectively be good evidence of the facts therein recorded, in pursuance of this Order, in and before all Courts and proceedings whatsoever in which it shall be necessary to give evidence of the marriage to which the same shall relate.

22. And it is hereby further ordered, that it shall be lawful for all persons, at all reasonable times in the day except Sundays, to search the original register book, and also the file of duplicate

Duplicate original register to be made, and left with the minister or marriage officer, who shall transmit the same to the Colonial Secretary, to be filed by him ; and all such registers, or copies thereof duly certified, shall be good evidence of the facts therein recorded.

Persons may inspect original register book and file of duplicate

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original register, and have certified copies thereof.

original registers, in the presence of the person for the time being having the care of the same respectively, or his deputy, and to have a true copy or true copies of any entries or entry therein, or filed as aforesaid, certified under the hand of the minister, marriage officer, or officer for the time being respectively having the custody of the original or duplicate original register as aforesaid, as the case may be; which true copies or copy such minister, marriage officer, or Colonial Secretary is hereby required to make, and certify under his hand to be a true copy, in the form of the duplicate original register, except that the same shall be headed "Certified copy (*or copies*) of "original (*or duplicate original*) marriage register," as the case may be, and shall be dated on the day, month, and year when the same shall be delivered.

Fees payable for duties performed.

23. And it is hereby further ordered, that in order to meet the expense, and as a remuneration for the trouble occasioned by the performance of any duty under this Order, the following fees shall be demanded and payable before the performance of the duty to which the same respectively relate, that is to say:—

For solemnizing and registering a marriage, and transmitting the duplicate original to the Colonial Secretary, four shillings.

For every general search, not directed to any particular entry, four shillings.

For every search for a particular entry, two shillings.

For every search for two or more particular entries, and not exceeding four entries, one shilling each.

For every search for any number of particular entries, exceeding four, four shillings.

For every such certified copy as aforesaid, two shillings.

Clergymen of Church of England to receive their customary fees.

24. Provided always, that nothing herein contained shall prevent any clergyman of the Established Church of England and Ireland from receiving, for any duty performed by him under this Order, such fees or payments as have heretofore been customarily paid to such clergymen, according to the rules of the said Church, for the performance of such duties respectively.

And not required to solemnise matrimony otherwise than is prescribed by the rubric.

25. Provided always, that nothing in this Order contained, shall authorize or require any clergyman of the Established Church aforesaid, to solemnize marriage in any other manner than is prescribed by the rubric.

Governor may authorise remuneration to marriage officers.

26. Provided also, that it shall be lawful for the Governor to authorize such marriage officers as aforesaid, to receive such further or other remuneration as he shall, from time to time, think the nature of their duties shall reasonably require.

Punishment for erasing or destroying registers.

27. And it is hereby further ordered, that if any person shall unlawfully and maliciously erase, obliterate, or destroy, or cause or procure to be erased, obliterated, or destroyed, any such original register, or duplicate original register as aforesaid, such person shall be deemed guilty of a misdemeanour, and, on being duly convicted thereof, shall be liable to be imprisoned in the common gaol in the jurisdiction in which he shall be tried and convicted thereof, for any term not less than three, nor exceeding twelve calendar months.

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28. And if any person shall unlawfully and wilfully forge or alter, or falsely make, or cause, or procure, or permit, to be forged or altered, or falsely made, any such original register, or duplicate original register, or any certified copy thereof respectively, or shall knowingly and wilfully deliver, offer, alter, or put off any such forged false or altered copy, he shall be liable for such his offence, on conviction thereof, to be imprisoned in such gaol as aforesaid, for any term not exceeding eighteen months, nor less than six months.

And for forging or altering the same.

29. And it is hereby further ordered, that it shall and may be lawful for the respective Local Legislatures of the said Colonies of British Guiana, Trinidad, St. Lucia, Cape of Good Hope, and Mauritius, by any Ordinance to be by them for that purpose made, to provide for the better adaptation of this present Order, to the local circumstances of such Colonies respectively : Provided, that such Ordinance be not in contradiction, or repugnant to, any of the provisions of this Order, and that all such Ordinances be made, confirmed, or disallowed, as the case may be, in the manner and according to the rules provided by law in reference to any other Ordinances of the said respective Local Legislatures.

Local Legislature may make Ordinances for the better adaptation of this order to colonial circumstances.

30. And whereas, since the abolition of slavery, in the British Colonies, plantations and possessions abroad, doubts have arisen and exist as to the validity of certain marriages contracted and solemnized previous to the abolition of slavery in the said Colonies, plantations and possessions, between slaves, and between parties, one of whom was a slave, and also in some cases between free persons of colour, and since the abolition of slavery, between apprentices and other persons of free condition, by ministers of the Christian religion other than clergymen of the United Church of England and Ireland, and it is expedient and necessary that all such doubts should be removed, and such marriages and reputed marriages should be ascertained and confirmed, and that all persons who may have solemnized any such marriages or reputed marriages, or who have, in any manner, assisted thereat, should be indemnified from and against all pains, penalties, forfeitures, and proceedings, to which such persons, or any of them, may be liable therefor :—

31. It is therefore further ordered, that all marriages which at any time before the taking effect of this Order shall have been solemnized in any of the Colonies to which this Order applies, by or before any such ministers of the Christian religion as aforesaid, shall be and the same are hereby declared to be, and to have been from the time of the solemnization thereof respectively, good, valid, and effectual to all intents and purposes whatsoever, any law or usage to the contrary thereof in any wise notwithstanding ; and all pains, penalties, forfeitures, and proceedings of whatsoever kind or description which any such Christian minister may have incurred or become liable to before the taking effect of this Order, by reason of his having solemnized or assisted at any marriage whatsoever, or in any wise in relation thereto, is and are hereby remitted, released, repealed, and made void.

Marriages heretofore solemnized by ministers not of the Church of England declared valid and effectual from the time of the solemnization thereof.

32. And whereas, in the Colonies in which marriages have been celebrated as aforesaid, registers thereof have been duly made and

Registers kept by such ministers, and certified

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copies thereof,
to be received as
evidence.

kept by such ministers as aforesaid who officiated thereat, it is therefore further ordered that all such registers, and all copies thereof respectively, certified under the hand of the person for the time being having the lawful care of the same to be true copies, shall be, and are hereby declared to be good evidence of such marriages as aforesaid respectively, as fully as if such registers had been made and kept and such certified copies had been made respectively by persons appointed by law to make and keep the same, and shall be received in evidence in all Courts and before all Judges and Magistrates.

A fair copy of all
registers to be
made within six
months, exam-
ined, verified,
certified by a
Magistrate, and
sent to the Colo-
nial Secretary.

33. And it is hereby further ordered, that the better to preserve evidence of marriages so registered, and to facilitate the proof thereof, every person in whose custody any register lawfully is, or shall be at the time, shall, within six months after the promulgation of this Order, to which the same extends, respectively make or cause to be made a fair and correct copy of every such register, and of every entry therein contained; and it shall be lawful for any such Christian minister as aforesaid to examine, verify, and correct (if and where found incorrect) by the original any such copy of a register kept by the persuasion to which he belongs, and to take the same before any Magistrate, and make and sign the following declaration, which any Magistrate to whom the same shall be tendered is hereby authorised and required to receive, and to certify in manner following, that is to say:—

“ I, A. B., (*describe the persuasion to which he belongs*), do
“ hereby solemnly, sincerely, and truly declare that I
“ have carefully examined this copy, beginning the
“ day of (*month and year*), and ending on the day
“ of (*month and year*), and containing pages and
“ entries of marriage, with the original register,
“ and I believe the same to be throughout a true and
“ faithful copy of the original register of which it pur-
“ ports to be a copy.

“ (Signed) A. B.”

“ The said A. B. appeared, this day of
“ before me, C. D., one of Her Majesty’s Justices of
“ the Peace in and for , and made and signed
“ the above declaration in my presence.

“ (Signed) C. D.”

Which declaration, and Magistrate’s certificate thereof, shall be entered and signed at the end of the copy to which it relates, and the copy shall be then securely sealed up, and forthwith sent to the Colonial Secretary as aforesaid, to be by him kept with the registers of marriage in his office, where the same may be searched; and every copy of any entry therein certified, under his hand, to be a true copy, shall be of the same force and effect as any certified copy whatsoever, made by him, is, or can be, and which certified copies he is hereby required to make, and may receive payment for as in other cases.

Penalty on
minister making
false declaration.

34. And if any such minister as aforesaid shall wilfully make and sign any such declaration, knowing the same to be false, he shall be liable to the pains and penalties to which persons guilty of wilful and corrupt perjury are liable.

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35. And whereas, in consequence of imperfect instruction in the Christian religion, and from other causes, many marriages, *de facto*, have taken place, between persons, one or both of whom were in the condition of slavery, but which marriages, *de facto*, have never been sanctioned by any public ceremony, or formally registered, and in many such cases the parties have had offspring of such last mentioned marriages, and it is expedient that provision should be forthwith made for enabling such persons to confer upon their children the benefit of children born in lawful wedlock.

36. It is therefore further ordered, that it shall be lawful for all persons, having contracted marriage as last aforesaid, at any time within one year after the coming into operation of this Order, duly to solemnize the marriage ceremony before any clergyman of the Established Church, or in any other manner authorized by this Order; and every person so recognizing a previous marriage, *de facto*, shall, at the same time, make and sign the following declaration, which shall also be attested by the witnesses present, and signed by the minister, or marriage officer, before whom the ceremony is performed :—

De facto marriages, if recognized and solemnized within one year from the coming into operation of this order,—

“ We, A. B. and C. D., do hereby severally, solemnly, sincerely, and truly declare, that on the day of
“ in the year , or thereabout, at , we, the
“ said A. B. and C. D., intermarried with each other,
“ and that we have had issue of the said marriage
“ children, and no more, namely—(*here state the*
“ *names and ages of the children, and if any be dead,*
“ *state the fact.*)

“(Signed)

A. B.
C. D.”

“ X. Y.

37. And such marriage ceremony shall have relation back to the time of the marriage, *de facto*, and all such children shall be deemed and taken to have been born in holy wedlock, and shall possess and enjoy all the rights, privileges, and advantages of persons born in lawful wedlock; and to preserve evidence thereof, a duplicate original declaration shall then and there, before the parties depart, be made, signed, and attested in the same manner, and the original declaration shall be appended to, and kept with, the original register, and the duplicate original declaration shall be appended to, sent, and kept with the duplicate original register, and shall, for all purposes of evidence, be deemed part thereof respectively: Provided always, and it is hereby declared, that such last mentioned ceremony and declaration may be performed and made without the previous publication of banns, or a license.

relate back to the time of the marriage de facto, and do not require publication of banns or license.

38. And it is hereby further ordered, that where, in any Colony to which this Order applies, any other language than English shall be commonly used, the Governor shall cause a true and faithful translation of this Order, and particularly of the several forms and declarations herein contained, to be made, expressing the true intent and meaning thereof; and such translation, when promulgated by the Governor, may be lawfully used by all persons speaking such language; and everything done under this Order, by means of such

This order to be translated into the language commonly used, and things done by means of translation to be valid.

Marriage Law.—Execution Creditors.

translation, shall be as valid and effectual, to all intents and purposes whatsoever, as if the same had been done in the original language of this Order, any law or custom to the contrary notwithstanding.

Explanation of terms.

39. And it is hereby further ordered, that the word "Governor," in this Order, shall be taken to mean the Governor, or other officer lawfully administering the Government of such Colony; and the word "parish," in Colonies divided into parishes, shall be taken in its ordinary sense; and in Colonies, not divided into parishes, shall be taken to mean such other districts or divisions as, for civil purposes, are equivalent to parishes; and the term "extra-parochial place," shall be taken to mean any place not included in any such parish, district, or division, and if, in any case, there be no such district or division, or if it be uncertain to what kind of district or division the word "parish" is hereby intended to apply, the same shall be determined, and officially declared, by the Governor.

When this order to take effect.

40. And it is further ordered, that this Order shall take effect, and come into operation, in the Colony of Mauritius, on the first day of February, one thousand eight hundred and thirty-nine; in the Colony of the Cape of Good Hope, on the said first day of February, one thousand eight hundred and thirty-nine; and in all other Colonies to which it applies or extends, on the first day of December, one thousand eight hundred and thirty-eight.

What included in the Colony.

41. And it is further ordered and declared, that within the meaning, and for the purposes of this Order, all islands and territories dependent upon any of the Colonies to which this Order applies or extends, and constituting parts of the same Colonial Government, shall respectively be taken to be parts of such respective Colonies.

42. And the Right Honourable Lord Glenelg, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed)

C. GREVILLE.

ORDINANCE No. 18, 1846.

Ordinance for Regulating Sales by Auction within the District of Natal.

Repealed by Law No. 32, 1874, § 1.

ORDINANCE No. 21, 1846.

(Signed) P. MAITLAND.

Ordinance for amending the Law relating to the Rights of Execution Creditors within the District of Natal.

Ordinance No. 3, 1844, extended to Natal.

1. WHEREAS it is expedient to extend the provisions of the Ordinance No. 3, 1844⁽¹⁾, entitled, "Ordinance for amending the Law relating to the Rights of Execution Creditors," to the Dis-

⁽¹⁾ Vide *infra*.

Execution Creditors.

trict of Natal: Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that the clauses and provisions of the said Ordinance shall be deemed and taken to extend and apply to and to be in force within the District of Natal, precisely as if the said clauses and provisions were herein again set forth as parts or portions of this Ordinance, and applied to the said District in manner and form as the same are in and by the said Ordinance No. 3, 1844, applied to this Colony.

2. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any Proclamation to be by the Lieutenant Governor of the District aforesaid for that purpose issued, and posted upon or affixed to any public place in the town of Pietermaritzburg.

Commencement
of this Ordinance.

God save the Queen!

Given at the Cape of Good Hope, this 24th day of September, 1846.

By command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed)

WM. HOPE,
Clerk of the Legislative Council.

ORDINANCE No. 3, 1844.

(Signed) GEO. NAPIER.

Ordinance for amending the Law relating to the Rights of Execution Creditors.

1. Whereas by the law of this Colony all creditors whose writs of execution against the property of their debtor are lodged with the Sheriff, or other proper officer for executing such writs, at any time before the proceeds realised in respect of the earliest or other of such writs shall have been paid over by the said Sheriff or other officer to the party or parties entitled thereto, are entitled to rank, *pari passu*, upon such proceeds, and to claim that the same may be distributed amongst them *pro rata*, as if the same had been levied under all the said writs collectively and without any distinction; And whereas this rule of law above mentioned is productive in practice of delay and inconvenience, and it is expedient to modify the same: Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, all other laws and customs heretofore in force within this Colony, in so far as the same are repugnant to or inconsistent with the provisions of this Ordinance, shall be repealed, and the same are hereby repealed accordingly.

Preamble.

Repugnant laws
repealed.

Execution Creditors.—Concealment of Birth.

Proceeds of levy under writ to be shared only where writ is lodged within ten days of lodgment of that under which levy is made.

2. And be it enacted, that from and after the promulgation of this Ordinance, no creditor lodging any writ of execution with the Sheriff, or any other officer of the law proper for the execution of writs, shall be entitled to share in or receive any part of the proceeds levied under any writ or writs of execution previously lodged, unless such creditor shall have lodged his said writ within ten days from the day on which was or were lodged the writ or writs under and in virtue of which levy, in the proceeds of which such creditor or creditors claim to share, was made.

God save the Queen!

Given at the Cape of Good Hope, this 30th day of February, 1844.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed) J. MOORE CRAIG,
Acting Clerk of the Legislative Council.

ORDINANCE No. 22, 1846.

(Signed) P. MAITLAND.

Ordinance for punishing the Concealment of the Birth of Children within the District of Natal.

Preamble.

Ordinance No. 10, 1845, extended to Natal.

Commencement of this Ordinance.

1. WHEREAS it is expedient to extend the provisions of the Ordinance No. 10, 1845⁽¹⁾, entitled, "Ordinance for punishing the Concealment of the Birth of Children," to the District of Natal: Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that the clauses and provisions of the said Ordinance shall be deemed and taken to extend and apply to and to be in force within the District of Natal, precisely as if the said clauses and provisions were herein again set forth as parts or portions of this Ordinance, and applied to the said District in manner and form as the same are, in and by the said Ordinance No. 10, 1845, applied to this Colony.

2. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any proclamation to be by the

(¹) Vide *infra*.

Concealment of Birth.

Lieutenant Governor of the District aforesaid for that purpose issued, and posted upon or affixed to any public place in the town of Pietermaritzburg.

God save the Queen!

Given at the Cape of Good Hope, this 24th day of September, 1846.

By Command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

By Order of the Legislative Council,
(Signed) WM. HOPE,
Clerk of the Legislative Council.

ORDINANCE No. 10, 1845.

(Signed) P. MAITLAND.

Ordinance for punishing the Concealment of the Birth of Children.

1. WHEREAS the concealment by mothers of the birth of their children is a highly suspicious and reprehensible proceeding; And whereas such concealment is not by the law of this Colony deemed to be a crime; And whereas it is expedient that such concealment should be constituted and declared a crime: Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that if any woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such woman so offending shall be deemed to be guilty of the crime of concealing the birth of her child, and, being convicted thereof, shall be liable to be imprisoned with or without hard labour for any term not exceeding five years.

Preamble.

2. And be it enacted, that upon the occasion of the trial of any person charged with the commission of the said crime, it shall not be necessary to prove whether the child died before, at, or after its birth.

Punishment for concealing birth.

Proof as to time of death not necessary on the trial.

3. And be it enacted, that if any woman tried for the murder of her child shall be acquitted thereof, it shall be lawful for the jury by whose verdict she shall be acquitted to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did, by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof (but it shall not be necessary to prove whether the said child died before, at, or after its birth): And thereupon it shall and may be lawful for the Court to pass upon her any such sentence as might have been lawfully passed upon her if she had been convicted upon an indictment for the crime of concealing the birth of her child.

Where women have been acquitted of murder, jury may find a verdict of concealment of birth.

*Concealment of Birth.—Retail Shop License.*Commencement
of Ordinance.

4. And be it enacted, that this Ordinance shall commence and take effect from and after the date of the promulgation thereof.

God save the Queen!

Given at the Cape of Good Hope, this 14th day of May, 1845.

By command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,
(Signed) K. B. HAMILTON,
Clerk of the Legislative Council.

ORDINANCE No. 23, 1846.

(Signed) P. MAITLAND.

Ordinance for licensing Retail Shops within the District of Natal.

Preamble.

1. WHEREAS it is expedient that all persons keeping shops, commonly called retail shops, within the District of Natal should take out licenses authorising the keeping of the same, of the same amount as similar licences in those parts of the Colony other than the District of Natal: Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that no person shall, from and after the 1st day of January, 1847, keep any such shop as aforesaid within the District of Natal without having taken out an annual license for the privilege of so doing, for which license there shall be paid and payable to the Treasurer of the said District the sum of one pound and ten shillings; and any person who shall keep any such shop as aforesaid within the said District without having taken out the said license as by law required, shall forfeit for every such offence any sum not exceeding five pounds and not less than one pound.

From 1st January, 1847, retail shops at Natal to be licensed.

Vide Ord. 8, 1840.

Penalty.

License to be for twelve months.

How licenses to be obtained.

2. And be it enacted, that every such license as aforesaid shall commence from, and continue in force for twelve months after, the 1st of January in each and every year.

3. And be it enacted, that it shall and may be lawful for the Lieutenant Governor of the said District, or the officer for the time being administering the government thereof, and he is hereby required to nominate and appoint, on or before the 1st of December next ensuing, such person or so many persons as he shall deem fit and necessary, who shall be authorised and required to issue such licenses as aforesaid, and the name of every such person shall be announced for general information by proclamation to be issued for that purpose, and posted upon or affixed to some public place in the town of Pietermaritzburg.

Commencement of this Ordinance.

4. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any Proclamation to be by the

Retail Shop License.—Insolvent Law.

Lieutenant Governor, or other officer aforesaid, for that purpose issued, and posted or affixed in manner and form as in the last preceding section mentioned.

God save the Queen!

Given at the Cape of Good Hope, this 24th day of September, 1846.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed) WM. HOPE,
Clerk of the Legislative Council.

ORDINANCE No. 24, 1846.

(Signed) P. MAITLAND.

Ordinance for Regulating the due Collection, Administration, and Distribution of Insolvent Estates within the District of Natal.

1. WHEREAS it is expedient to make provision for the due collection, administration, and distribution of the estates of insolvent persons within the District of Natal; And whereas such provision may most fitly and conveniently be made, by extending to the said District the provisions of the Ordinance No. 6, 1843⁽¹⁾, entitled "Ordinance for regulating the due collection, administration, and distribution of insolvent estates within this Colony;" or such and so many of the said provisions as shall be applicable to the circumstances of the said District, with such changes and modifications, however, in certain particulars, as those circumstances require; Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that all laws and customs heretofore in force within the District of Natal, in so far as the same are repugnant to, or inconsistent with, any of the provisions of this Ordinance, shall be, and the same are hereby, respectively repealed.

Preamble.

Repeal of former laws.

2. And be it enacted, that all and singular the clauses, provisions, and contents of the said Ordinance No. 6, 1843, except the preamble thereof, and the provision thereof, repealing certain former ordinances, publications, laws, and customs, before then in force within this Colony; and except, also, the 115th, 133rd, 184th, 187th, and 189th sections thereof, shall, under, and subject to, the several changes, modifications, and adaptations hereinafter contained, be deemed and taken to extend and apply to, and to be in force within, the District of Natal, precisely as if the said clauses, provisions, and contents, so changed, modified, and adapted, were herein again set forth, as parts or portions of this Ordinance.

Ordinance No. 6, 1843, with certain modifications and exceptions extended to Natal.

(1) Vide *infra*.

Insolvent Law.

Interpretation
clause.

Vide Law 10,
1857, § 61.

3. And be it enacted, that when and as often as the words "this Colony," occur in the said Ordinance No. 6, 1843, they shall be deemed and taken to mean, for the purpose of this Ordinance, the District of Natal; and the words "Supreme Court," and "Circuit Court," shall be deemed and taken to mean respectively the District Court of Natal; and the words "Chief Justice," "Chief Justice of the Colony," "any of the Judges of the Supreme Court," or "one of the Judges of the Supreme Court," shall respectively be deemed and taken to mean the Recorder of the District of Natal; and the words "Master of the Supreme Court," shall be deemed and taken to mean the Registrar of the District Court of Natal, or such other officer or person as may, from time to time, be appointed by the Lieutenant Governor of the said District, or the officer, for the time being, administering the government thereof, to perform the duties by the said Ordinance assigned to, and imposed upon, the Master of the Supreme Court; and the words "Sheriff of this Colony, at his office in Capetown," shall be deemed and taken to mean the Sheriff of the said District, or the officer or person appointed to perform the duty of Sheriff in and for the said District, at his office in Pietermaritzburg, or wherever else it may be situated; and the words "Deputy Sheriff of that District," shall be deemed and taken to mean any Deputy Sheriff who may be hereafter duly appointed to act in and for any allotted portion or subdivision of the District of Natal; and the words "*Government Gazette*," and "*Government Gazette* of this Colony," shall be deemed and taken to mean, respectively, any newspaper, or other publication issued within the District of Natal, which shall, for the time being, be selected and appointed by the Lieutenant Governor thereof, for the insertion and publication of Government proclamations and notices; and failing such appointment, every notice, summons, matter, or thing, by the said Ordinance required to be inserted in the *Government Gazette*, shall be published or posted in such manner as the said Lieutenant Governor shall, by any proclamation to be by him, from time to time, issued, and posted upon, or affixed to, some public place in Pietermaritzburg, order and direct; which publication, or posting, shall have the same effect as an insertion in the *Government Gazette*; and the words "Courts of the Resident Magistrates of this Colony," and "Resident Magistrates of this Colony," respectively, shall be deemed and taken to mean such Courts and Magistrates, respectively, as may, at any time, possess and exercise the same or similar powers and functions in regard to the District of Natal, or to any portions or subdivisions of the said District, as are now, or shall, from time to time, be possessed and exercised by the existing Resident Magistrates of this Colony in their respective Districts; and the words "Capetown," and "any District of the Colony other than the Cape District," as they occur in the 26th and 57th sections of the said Ordinance respectively shall respectively be deemed and taken to mean the town of Pietermaritzburg; and any portion or subdivision of the District of Natal, which shall not include the said town, and in and for which a Resident Magistrate, or similar functionary, shall be created: Provided always, however, and be it enacted, that it shall and may be lawful for the Registrar, or other person aforesaid, whether the

Insolvent Law.

said District shall be divided into portions or subdivisions, with Resident Magistrates, or similar functionaries, therein, or not, to preside at any meeting of creditors at which he shall be present, wherever such meeting shall be holden.

4. And whereas, owing to the non-existence as yet, within the said District, of any Bank, with which trustees of insolvent estates could open accounts, and into which they could pay any monies belonging to the said estate, the provisions of the 100th and 101st sections of the Ordinance aforesaid, cannot be immediately applied: Be it therefore enacted, that until the establishment of some Joint Stock Bank within the said District, the creditors shall, if they think fit, at the meeting in the said 100th section mentioned, give, in manner and form as in the said section specified, in regard to the nomination and appointment of a Bank or Banks, such special instructions to the trustees, touching the custody and security of the monies belonging to the insolvent estate, as shall be deemed expedient, with which instructions it shall, under the penalties in the 101st section provided, be incumbent on such trustees to comply: Provided, however, that in case no such special instructions are given, the trustees shall be entitled to retain all such monies in their own hands, till the distribution thereof, provided they shall not employ the same for their own benefit: And provided also, that when and as soon as one or more Joint Stock Bank or Banks shall be established within the said District, the provisions in the said 100th and 101st sections contained, shall come into full force and operation.

Operations of the 100th and 101st sections of Ordinance No. 6, 1846, postponed.

5. And be it enacted, that all unclaimed dividends, as in the 115th section of the said Ordinance mentioned, shall be paid into whatever fund may, at any time hereafter, be established within the District of Natal, of the same nature as the guardian fund in the said section mentioned, to the credit of the parties entitled, there to be subject to the same provision, in all respects, as shall be provided by the rules and regulations of such fund as aforesaid, in regard to monies placed therein, belonging to persons absent from the District: Provided always, that it shall and may be lawful for any trustee or trustees, until such a fund as aforesaid shall have been established, to retain the custody of all unclaimed dividends, for account of the persons thereto entitled.

Unclaimed dividends, how to be disposed of.

6. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof, by any Proclamation to be by the Lieutenant Governor of the District aforesaid, for that purpose issued, and posted upon, or affixed to, some public place in the town of Pietermaritzburg.

Commencement of this Ordinance.

God save the Queen!

Given at the Cape of Good Hope, this 24th day of September, 1846.

By command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,

Secretary to Government.

By order of the Legislative Council,

(Signed)

WM. HOPE,

Clerk of the Legislative Council.

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Insolvent Law.

ORDINANCE No. 6, 1843.

(Signed) GEORGE NAPIER.

*Ordinance for Regulating the due Collection, Administration, and Distribution of Insolvent Estates within this Colony.***Preamble.**Vide Ord. 24,
1846, § 2.

WHEREAS the law, as contained in the Ordinance No. 64, bearing date the 6th of August, 1829, and entitled "An Ordinance for regulating the due collection, administration, and distribution of insolvent estates within this Colony," requires certain additions and alterations: And whereas it is expedient, in order that the said additions and alterations may most conveniently be made, that the said Ordinance No. 64 should be repealed, and a new Ordinance enacted in its stead: And whereas it is also expedient, that all insolvent estates within this Colony should be, hereafter, administered under one uniform system of law, and, to that end, that the benefit or relief of cession of goods and property, commonly called the *cessio bonorum*, now available to insolvent debtors in this Colony, should be abolished: Be it therefore enacted, by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the Ordinance aforesaid, No. 64, and the publication of the 4th of September, 1805, respecting transfers, sessions, pledges, and other securities, entered into by debtors within twenty-eight days previous to their insolvency, and so much of Ordinance No. 5, 1842, entitled "An Ordinance to provide for the lodgment, elsewhere than in the Government Discount Bank of this Colony, of certain monies now by law required to be lodged in the said Bank," as is, in substance, hereinafter set forth and re-enacted,—and all laws and customs heretofore in force within this Colony, in so far as the same are repugnant to, or inconsistent with, any of the provisions of this Ordinance, shall be, and the same are hereby, respectively repealed.

Ordinance No. 64, publication of 4th September, 1805, and part of Ordinance No. 5, 1842, repealed.

Cessio bonorum abolished.

1. And be it enacted, that from and after the passing of this Ordinance, it shall not be lawful for any person or persons to obtain from any Court within this Colony, or for any such Court to grant to any person or persons, the benefit or relief of cession of goods and property, commonly called the *cessio bonorum*, as heretofore known to, and allowed by, the law of this Colony: Provided, however, that nothing herein contained, shall be deemed or taken to affect in any way the estate or condition of any person to whom, before the passing of this Ordinance, the said benefit or relief shall have been duly granted, which estate shall be administered, and which condition shall be judged of, precisely as if this Ordinance never had been made.

Proof of insolvency and surrender of estate thereon.

2. And be it enacted, that it shall and may be lawful for the Supreme Court, or any Circuit Court, or for the Chief Justice of this Colony, or any other of the Judges of the Supreme Court, upon the petition, in writing, of any person setting forth that he is insolvent, and desirous of surrendering his estate for the benefit of his creditors, to direct such person to appear before him, to be examined touching his said insolvency, or to require such other proof thereof, by affida-

Insolvent Law.

vits of the said insolvent and others, as to the said Court or the Judge may seem fit; or to direct such petitioner to appear before any person, duly appointed by the Supreme Court its Commissioner for such purposes, and to direct such Commissioner to examine the petitioner in manner aforesaid, and to take such proof of the matters aforesaid, as to the said Commissioner shall seem fit; and to make out and transmit to the Registrar of the Supreme Court, a report of such examination and proof taken as aforesaid. And it shall and may be lawful for the said Court or Judge, before whom such examination is taken, or for the said Court, or the Chief Justice, or any Judge of the Supreme Court, on considering the report of any such Commissioner, made in manner aforesaid, upon proof of the matter aforesaid to his satisfaction, to accept the surrender of such estate, and by order, under his hand, to place the same under sequestration in the hands of the Master of the said Court: Provided also, that any person authorised by power of attorney to administer the estate of any person absent from the Colony, may present, in the name of such last mentioned person, such petition as aforesaid, and thereupon the same proceeding shall, as near as may be, be had and taken as if the person so absent from the Colony had himself petitioned.

3. And be it enacted, that it shall, in like manner, be lawful for the Supreme, or any Circuit Court, or for the Chief Justice, or any other of the Judges of the Supreme Court, upon the like petition of any person legally vested with the administration of the estate of any person deceased, or of any person legally or actually incapable of the administration of his estate, situated within this Colony, stating the insolvency of such estate, or upon the like petition, stating the insolvency of the estate of any company trading or having an estate or effects within this Colony, made by the greater number of the partners of such company, who, at the time of presenting the petition, are within this Colony, to examine the petitioner or petitioners, or cause him or them to be examined in manner aforesaid, or to take, or cause to be taken, proof of the matters aforesaid, in manner hereinbefore provided: And it shall be lawful for the Judge, before whom such examination is taken, or for the Chief Justice, or any Judge of the Supreme Court, on considering the report of any Commissioner of the said Court, made in the manner aforesaid, upon proof of the matters aforesaid, to his satisfaction, to accept the surrender of any such estate, and to place the same under sequestration, in manner aforesaid; and after the order for any such sequestration is made, the like proceedings shall and may be had, and take place, concerning such estates, and the persons in whom the administration thereof is legally vested, and the partner or partners of such companies, as are herein provided concerning other estates, and other insolvents.

Surrender by persons vested with the administration of the estates of others.

4. And be it enacted, that if any person having any property, moveable or immoveable, personal or real, within this Colony, shall depart therefrom, or being out of this Colony, shall remain absent therefrom, or shall depart from his dwelling house, or otherwise absent himself, with intent to defeat or delay his creditors in obtaining payment of their debts; or having against him the sentence of any competent Court, being thereunto required, shall not

What shall be deemed acts of insolvency, and who considered insolvent persons.

Insolvent Law.

satisfy the same, or shall not point out to the officer charged with the execution thereof, sufficient disposable property to satisfy the same ; if it shall appear from the return made by such officer, or his affidavit, that he has not found sufficient disposable property of such person to satisfy such sentence ; or shall make, or cause to be made, either within this Colony or elsewhere, any alienation, transfer, gift, cession, delivery, mortgage, or pledge of any of his goods or effects, moveable or immoveable, personal or real, with intent, or in such manner, as to defeat or delay his creditors in obtaining payment of their debts, or with intent to prefer one creditor before his other creditors, such person shall be deemed thereby to have committed an act of insolvency.

In what cases
lawful for the
Judges to place
estate under
sequestration.

5. And be it enacted, that it shall and may be lawful for the Supreme or any Circuit Court, or for the Chief Justice of this Colony, or any other of the Judges of the Supreme Court, upon petition made in writing against any person having committed any act of insolvency by any creditor or creditors whose debt or debts amount to the value hereinafter provided, and setting forth the amount of the debt of such creditor, and the cause thereof, and the alleged act of insolvency, and praying that the estate of such person may be sequestered for the benefit of his creditors, upon proof thereof to the satisfaction of the said Judge—provided there shall be produced to the said Judge, together with such petition, the affidavit or affidavits and certificate hereinafter required—by order under his hand to place the estate of every such person or persons under sequestration in the hands of the Master of the said Court, until the same shall, in manner hereinafter mentioned, be adjudged to be sequestered, or the said petition shall be discharged.

As to nature and
amount of peti-
tioning creditor's
debt.

6. And be it enacted, that no estate shall be placed under sequestration unless the debt of a single creditor petitioning that the same may be sequestered shall amount to *fifty pounds*, or unless the debts of two or more creditors so petitioning shall jointly amount to *one hundred pounds*; and every person who is the creditor of another upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when the act of insolvency was committed, may so petition or join in petitioning as aforesaid, whether he shall have any security for the same or not.

As to affidavit by
petitioning
creditor of his
debt before pre-
sented petition.

7. And be it enacted, that every petitioning creditor shall, before presenting any petition for having any estate placed under sequestration, make an affidavit in writing before one of the Judges of the Supreme Court, or a Commissioner of the said Court appointed to take affidavits (which affidavits shall be filed with the proceedings in the estate) of the truth of his debt and the cause thereof, and shall likewise give security, to the satisfaction of the Master of the Supreme Court, or of the Resident Magistrate of the District in which such petition shall be presented, for payment of the necessary fees and charges for prosecution of the said sequestration until the choice or appointment of trustees ; and the Master of the said Court or Resident Magistrate, as the case may be, shall forthwith endorse on every such petition a certificate that such security has been found, and shall sign the same,

Insolvent Law.

8. And be it enacted, that the creditor or creditors on whose petition any order for sequestration shall be made, shall, at his or their own cost, prosecute all the proceedings in the said sequestration until the election or appointment of trustees in manner herein-after mentioned; and the same having been first taxed and ascertained by the Master, the said trustees shall reimburse the said creditor or creditors out of the first money that shall be received; and the costs incurred under any sequestration after the election or appointment of trustees, in rendering any part of the insolvent estate over which any creditor should hold any special mortgage, pledge, hypothec, or lien, available for the payment of the debt thereby secured, shall be paid out of the proceeds of the property over which any such security extends when the proceeds shall be sufficient for the same, and when the proceeds shall be insufficient, such creditor shall be personally liable for the same; and no creditor holding any such security shall be liable to pay, or to have deducted from the proceeds of any such property, any part of the costs of sequestration incurred for any other purpose; and all costs incurred previous to the election or appointment of trustees as aforesaid, in all cases in which, upon the petition of the insolvent, any estate has by order been placed under sequestration, together with all costs incurred in every case of the sequestration of estates as insolvent (whether the same has been ordered or petition, as aforesaid, is adjudged at the instance of the creditors), for any other purpose than as aforesaid, after the election or appointment of trustees as aforesaid, shall in the first place, and before any other debt, be paid out of the free residue of the insolvent estate, when it shall be sufficient for the same; and when the said free residue shall be insufficient for the payment thereof, all the creditors who have proved against the insolvent estate debts not secured as aforesaid shall be personally liable for the same, in proportion to such debts: Provided however, that no person shall by merely proving a debt or receiving a dividend, or appearing or voting at a meeting of creditors as a creditor, be so liable for any claim by any person employed by the trustee in relation to any action or suit at law affecting the said estate, or for any portion of the compensation or remuneration of the trustee for his care and diligence; reserving always to every person employed by the trustee such recourse against the said estate or the said trustee as may be competent to him, and reserving also to such trustee recourse against the said estate, and against such creditors thereof or others as may on other grounds be liable to such recourse.

Who liable to the costs under sequestration until and after the election of trustees, and in case proceeds insufficient.

9. And be it enacted, that any creditor or creditors of any company may in like manner as aforesaid petition against the partners of any such company, to have the estate of such company placed under sequestration, in case any such company have, by any one or more of its partners, committed any act of insolvency, with intent or in such manner as to defraud the creditors of such company, or to defeat or delay them in obtaining payment of the debts due by such company, or provided the sentence of any competent Court has been obtained against such company, and the partners thereof, being thereunto required, have not satisfied the same, or pointed out to

Sequestration of the estate of a company or of partners. Proceedings against the separate estate of partners.

Insolvent Law.

the officer charged with the execution of such sentence sufficient disposable property to satisfy the same, and provided it shall appear from the return made by such officer, or his affidavit, that he has not found sufficient disposable property of such company to satisfy such sentence: and every order for sequestration issued upon such petition shall be valid although it do not include all the partners of the company: and after the order for sequestration of such estate is made, the like proceedings shall and may be had and take place concerning such estate, and such partner or partners, as are herein provided to be had and take place concerning other estates and other insolvents: Provided always, that nothing herein contained shall extend or be construed to prevent the creditor or creditors of any company from proceeding against any partner, or the separate estate of any partner thereof, in respect of debts due by such company in the same way in which it is herein provided that the creditors of any person may proceed against him and his estate in respect of debts due by such person in his individual capacity; and provided also that it shall be lawful, upon such petition and proof as last aforesaid, and such other proof, if any, as may be required, to include in the same order for sequestration (should the Chief Justice, or other Judge aforesaid making the same, see fit so to do), as well the separate estate or estates of any partner or partners of any company as the joint estate of such company; but the separate estate of a partner shall not be entered upon or attached by virtue merely of an order for the sequestration of the estate of the company to which such partner belongs; and when any separate estate or estates shall be included together with the estate of the company in the same order for sequestration, the creditors of the separate estate or estates and of the estate of the company respectively shall, together and indifferently, vote in the election of the trustee or trustees, and in all matters relating to the said estates so included, in the same order just as if the debt of every such creditor were due and owing by one single and undivided estate: Provided always, that the trustee or trustees of any sequestrated estates so consolidated, and the trustee or trustees of every joint and separate estate which may be included as aforesaid in the same order for sequestration, shall be bound to keep separate and distinct accounts of the joint estate and of each separate estate, and shall rank the respective creditors, and frame the account and plan of distribution hereinafter mentioned, and award dividends, and generally dispose and arrange the respective rights and claims of the consolidated estates, and settle the affairs thereof according to the provisions hereinbefore in that behalf set forth, precisely as if each of the consolidated estates were under a separate administration.

Sequestration by creditor of estates under legal administration of other persons committing any act of insolvency.

10. And be it enacted, that any creditor or creditors of the estate of any person deceased, or of any person legally or actually incapable of the administration of his estate, situated within this Colony, may, in like manner as aforesaid, petition to have such estate placed under sequestration as insolvent, provided the person, in whom the administration of such estate is legally vested, has, either in his individual or in his fiduciary capacity, committed any act of insolvency, with intent, or in such manner, as to defraud the creditors of

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such estate, or to defeat or delay them in obtaining payment of the debts due by such estate; or provided the sentence of any competent Court has been obtained against any such estate, and the person in whom the administration thereof is legally vested, has not satisfied the same, or, being thereunto required, pointed out to the officer charged with the execution of such sentence, sufficient disposable property to satisfy the same; and provided it shall appear, from the return made by such officer, or his affidavit, that he has not found sufficient disposable property, belonging to such estate, to satisfy such sentence; and after the order for any such sequestration is made, the like proceedings shall and may be had, and take place, concerning such estates, and the persons in whom the administration thereof is legally vested, as are herein provided to be had, and take place, concerning other estates, and other insolvents.

11. And be it enacted, that every privilege and power given by this Ordinance to any creditor, in respect of any debt due to him individually by any insolvent, and every liability or penalty imposed by this Ordinance on any such creditor, shall be, and is hereby, declared to be given to and imposed on the partner or partners of any company in respect of any debt due to such company by any insolvent, and to be given to and imposed on every person legally vested with the administration of the estate of any person deceased, or of any person legally or actually incapable of the administration of his estate, situated within this Colony, in respect of any debt due to such estate by any insolvent: Provided always, that in reckoning the number of votes at any meeting of creditors, or the number of creditors who have signed the certificate of any insolvent, the partners of any company, and any persons in whom the joint administration of any estate is vested, as aforesaid, shall be entitled to only one vote, and shall be considered as one person.

Liability and privileges of the partners of any company, or of others administering estates.

12. And be it enacted, that the party obtaining any order for sequestration, shall forthwith lodge the same with the Sheriff of this Colony, at his office in Capetown, or with the Deputy Sheriff of the District in which such order has been obtained, and the said Sheriff, or Deputy Sheriff, shall enregister the said order, and note thereon the day and hour of its production, and the Deputy Sheriff shall forthwith deliver, or cause to be delivered, to the Sheriff, at his office in Capetown, every order lodged with him, after the same shall have been enregistered as aforesaid; and the Sheriff shall, at his said office, enregister every such last mentioned order, and note thereon the day on which he received the same, and the Sheriff shall forthwith deliver, or cause to be delivered, to the Master of the Supreme Court, every order as aforesaid, whether lodged with himself, or received from any deputy, and the said Master shall, when the order has been made at the instance of creditors, cause the same to be notified in the *Government Gazette* of the Colony; and every insolvent, obtaining any order for sequestration, shall also lodge, with the Master of the Supreme Court, a list, containing, to the best of his knowledge and belief, the names, and places of abode, of his several creditors.

Lodging with Sheriff the order of sequestration, and other proceedings thereon.

13. And be it enacted, that the Master of the Supreme Court, upon any estate being placed under sequestration in his hands, shall,

Attachment upon the estate, and how to be made.

Insolvent Law.

by his messenger, enter and lay an attachment on the estate, under inventory thereof; and when the same shall be sequestrated upon the petition of any creditor, the said messenger shall be accompanied by the petitioning creditor, or some one authorised by him, on behalf of himself and the other creditors of the said estate; and when the said estate shall be sequestrated upon the surrender of any insolvent, it shall be lawful for any of the creditors, or for the agent of any of the creditors of the insolvent, to accompany the messenger, and to be present with him while making out the inventory aforesaid.

Attachment of moveable property, how to be made; and as to penalty for defeating same.

14. And be it enacted, that when any moveable property belonging to any insolvent estate is attached as aforesaid, in virtue of any order for the sequestration thereof, the messenger making such attachment shall leave with the person in whose possession any such property is attached, a copy of the said inventory, having subjoined thereto a notice, both in the English and Dutch languages, that the property therein specified has been attached by the said messenger by virtue of an order for the sequestration thereof, and that any person who, knowing the same to have been so attached, shall dispose of, remove, conceal, or receive the same, or any part thereof, with intent to defeat the said attachment, is liable, on conviction of such offence, to be transported for any period not exceeding seven years, or to be imprisoned with or without hard labour for any period not exceeding five years: Provided always, that it shall be lawful for such messenger to secure on the premises, by sealing up any repository, room, or closet, any articles which, in the discharge of his duty, it shall seem to him expedient so to secure, causing no unnecessary hindrance or inconvenience to any party by so doing, or to leave some person on the premises in custody thereof; and the said messenger shall forthwith report his execution of the said attachment to the Master of the Supreme Court, who shall take such measures and give such directions for the safe custody of the said property as to him shall seem fit.

Resident Magistrates to aid under Rule of Court.

Vide Ord. 12, 1852.

15. And be it enacted, that the Resident Magistrates of this Colony, in their respective districts, shall aid and assist in carrying this Ordinance and the provisions thereof into effect; and for that purpose shall do and execute all such matters and things as they shall be required to do and execute by any rule or order of the Supreme Court by virtue of this Ordinance.

Sheriff, deputies, and messengers to execute duties of messenger.

16. And be it enacted, that the Sheriff of this Colony, either by himself or by his deputy, and the messengers of the Courts of the Resident Magistrates, being thereunto required by the Master of the Supreme Court, shall, within the Districts in which they have respectively been appointed to act, do and execute the duties directed by this Ordinance, or by any rule or order of the Supreme Court in pursuance of this Ordinance, to be done and executed by a messenger; and shall receive to their own use for such service, out of the assets of any insolvent estate as to which they may be so employed, such reasonable fees as are or shall be allowed by the Supreme Court for their service.

Summons to debtor upon order of sequestration, and as to service thereof.

17. And be it enacted, that it shall and may be lawful for every petitioning creditor who shall duly obtain any order for placing the estate of his debtor under sequestration, thereupon to take out the

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process of the Supreme Court, to summon the debtor that he appear before the Supreme Court, or the Circuit Court of the District within which the debtor's ordinary place of residence is, on a certain day, to be appointed by the Judge making such order, as to the said Judge shall seem fit, to show cause why his estate should not, by sentence of the said Court, be adjudged to be sequestered for the benefit of his creditors; and the service of the said process shall be made in the same manner as is, or shall be by law, provided for the service of any other process of the said Court: Provided, that, if any debtor has been forty days absent from his usual place of residence or business within the Colony, copies of the said summons shall also be affixed upon the outer door of the Supreme Court, and inserted in the *Government Gazette* of this Colony.

18. And be it enacted, that, upon the day appointed for any person to show cause why his estate should not be adjudged to be sequestered, it shall and may be lawful for the Court to receive proof of the matters aforesaid, and to adjudge thereon, whether the said person, having been thereto lawfully summoned, shall appear to the said summons or not; or upon sufficient cause being shown, to their satisfaction, to delay the said adjudication for any reasonable time, at their discretion; and if the petitioning creditor shall make default in appearing or proving his said debt or the act of insolvency to the satisfaction of the Court, it shall and may be lawful for the said Court to supersede the said order for sequestration, and to dismiss the said petition, or to require further proof of the matters contained therein, as to the said Court shall seem fit; and whenever any such petition shall be dismissed by the said Court, all questions affecting the estate of any person against whom it was presented, or any right of such person, or of his creditors or debtors, or the validity of any alienation, transfer, gift, cession, delivery, mortgage, pledge, payment, acquittance, surrender or discharge, made by such person, or payment made to such person, shall be judged of and determined as if such petition had never been presented.

Court to adjudge if order of sequestration is to be confirmed or otherwise, and effect thereof.

19. And be it enacted, that if it shall appear to the Court before whom any person has been so summoned upon such petition for sequestration, that the said petition was unfounded and vexatious, or malicious, it shall and may be lawful for the said Court to allow the said person, on his application for the same, forthwith to prove any damage alleged to have been by him sustained thereby, and to award to the said person such satisfaction for the said damage as the said Court shall deem fit, or otherwise to leave the said party to his action for the said injury.

If petition unfounded or malicious.

20. And be it enacted, that if, after any order has been made for the sequestration of any estate, the debts of the petitioning creditors, or any of them, be found insufficient to entitle such creditors to apply for, and obtain, such order for sequestration, or if such order shall be superseded in consequence of the consent or default of the petitioning creditor or creditors, or his or their collusion with the insolvent, it shall be lawful for the Supreme Court, or such Circuit Court as aforesaid, upon the application of any other creditor or creditors, whose debt or debts amount to the value hereinbefore provided, and have been incurred prior to the said order for seques-

Sequestration revived by other creditor, and effect of, though superseded, as to original petitioning creditor.

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tration, and who shall produce, at the time of making such application, the affidavit or affidavits, and the certificate hereinbefore required, to order that the said sequestration shall be revived, and be proceeded in, as if it had been originally obtained on the petition of the creditor or creditors last mentioned; and thereafter the said sequestration shall be revived, with all the consequences and effects thereof, as if it had never been superseded; save only, that when the sequestration shall be revived, after the same shall have been superseded, the validity of every alienation, transfer, gift, cession, delivery, mortgage, pledge, payment, acquittance, surrender, and discharge, made by such insolvent, and every payment to, and dealing with, the said insolvent, between the time of the superseding of the order for sequestration, and the time of the making of the order for reviving the same, shall be judged of, and decided upon, on such and the like grounds and principles, and no other, as would by law have been applicable to the same, in case such order for revival were a primary and original order for sequestration.

As to payments,
 &c., or security
 from insolvent
 to petitioning
 creditor after
 order for
 sequestration.

21. And be it enacted, that if any person against whom any order for sequestration has been made, shall pay any money to the person who obtained the same, or give or deliver to any such person any satisfaction or security for his debt, or any part thereof, whereby such person may receive more in the pound, in respect of his debt, than he would be entitled to receive if the sequestration were proceeded in, and the estate distributed among the creditors thereof, according to their legal rights and preferences, such payment, gift, delivery, satisfaction, or security, shall be a new act of insolvency, and every person so receiving such money, gift, delivery, satisfaction, or security shall, in the event of the sequestration being afterwards proceeded in by any other creditor or creditors, in manner hereinbefore mentioned, or of a new order for sequestration being issued upon such new act of insolvency, deliver up such security, and shall repay the said money, gift, or the full value thereof, to such person or persons as the Court shall appoint, for the benefit of the creditors of such insolvent, and shall pay all the costs which shall be incurred by any other creditor in obtaining the revival of the said sequestration, and shall forfeit the whole of the debt due and owing to him by such insolvent.

Effect of the
 order of seques-
 tration upon
 judgments.

22. And be it enacted, that further execution of any judgment against any insolvent, or his estate, for the amount of any debt, or sum of money, shall, after any order for sequestration of such estate is lodged with the Sheriff, or any such Deputy Sheriff as aforesaid, for registration, be stayed during the pendency of such sequestration, and the insolvent, if in prison, in virtue of any decree of civil imprisonment, given in respect of any judgment, debt, or costs, or any order for committal, made in respect of disobedience to any order for the payment of money made in any civil suit or proceeding, may be released from his imprisonment, in so far as the same is occasioned by reason of any such decree, order, or arrest as aforesaid, by the order of the Supreme Court, or of any Judge thereof, or of any Circuit Court, in case such Court or Judge shall not see cause to refuse to make such order, shall be discharged therefrom; and it shall and may be lawful for the person having right to such judg-

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ment, to prove the debt, and costs secured thereby, against the sequestrated estate, and to take the benefit thereof upon distribution of the said estate; and where any property has been attached by legal process, for satisfaction of any judgment, and has not been sold, or having been sold, the proceeds thereof remain undistributed in the hands of the Sheriff, or other officer of the law, such property, or such proceeds, shall be placed under sequestration, in the same manner as any other part of the insolvent estate, and the person holding such judgment shall, on the distribution of the said estate, be entitled to be preferred over the proceeds of the property attached or sold, as the case may be, at the time of the lodgment with the Sheriff, or Deputy Sheriff, of the order aforesaid, for the costs incurred by him, for and in respect of the writ of execution, and the execution of the same, but not for the amount of his judgment debt, or of his costs of suit by him incurred before the suing out of such writ of execution.

23. And be it enacted, that all actions pending against any insolvent, for any debt or demand proveable against his estate, and all proceedings therein, shall, upon any order being made for the sequestration of such estate, in virtue thereof, be stayed; and the insolvent, if in prison under any arrest granted in security of any debt or demand, in regard to which any such action shall have been instituted, may, by the authority, and under the condition in the last preceding section mentioned, be discharged therefrom, and it shall and may be lawful for the plaintiff in such action to prove his debt, together with the taxed costs of suit then incurred against the sequestrated estate, and to take the benefit thereof upon distribution of the said estate: Provided, however, that all actions pending against any insolvent, for damages alleged to have been sustained from any injury or wrong, or breach of any contract, committed by him, such damages being uncertain, or for recovery of any claim unliquidated as to its amount, and all proceedings therein, shall, upon any order being made for the sequestration of his estate, be stayed until a trustee shall be elected for the administration thereof, if the sequestration shall remain in force so long; and thereupon the plaintiff in such action, after summoning the trustee to take up and defend the said action, may proceed to obtain the judgment of the Court thereon, and the said judgment, when recovered, together with the taxed costs of suit, shall be a debt proveable against the said estate.

Effect of the order of sequestration upon actions against insolvent.

24. And be it enacted, that all actions commenced by any person whose estate shall afterwards be placed under sequestration as insolvent for any debt or demand due to the said estate, and all proceedings therein, shall, upon the order for such sequestration being made, be stayed, until the trustee thereafter chosen for the administration of the said estate shall make election to prosecute or discontinue the same; and the trustee shall be bound to make such election within six weeks after notice to that effect shall be served upon him by any defendant in any such action, or otherwise shall be deemed to have abandoned the same: Provided, however, that any insolvent shall be permitted to continue in his own name and for his own benefit any action commenced by him previous to his insolvency for any

Effect of the order of sequestration upon actions commenced by insolvent.

Insolvent Law.

personal injury or wrong done to himself or any of his family, and any damages which may be recovered in any such action shall not go or belong to the insolvent estate, nor shall any property proved to have been purchased or obtained by the insolvent with any such damages.

Time and manner
of holding the
three first meet-
ings for election
of trustee, proof
of debts, &c.

Vide Law 7,
1866, § 3.

25. [And be it enacted, that the Master of the Supreme Court shall, after any estate has been placed under sequestration upon surrender thereof as insolvent, or has been adjudged to be sequestrated, forthwith cause notice thereof to be given in the *Government Gazette* of this Colony, and shall thereby appoint a public meeting of the creditors of such estate at such time and place as he shall deem most convenient for all the parties concerned, but not later than fourteen days from the publication of the *Gazette* in which such notice shall be given, to be held before himself or any Resident Magistrate, for receiving proof of debts against the said estate, and for electing a trustee or trustees for the collection, administration, and distribution thereof. And the said trustee or trustees shall, immediately after his or their confirmation, in like manner by advertisement in the *Government Gazette* (being the same advertisement as that in which notice is hereinafter required to be given of his or their confirmation), appoint a second and third public meeting, to be held before the Master of the Supreme Court or any Resident Magistrate, and set forth the purposes of such meetings, the second of which shall be held not later than fourteen days, for the proof of debts, and the third not later than one calendar month from the date of his or their confirmation, for proof of debts, and also for laying before the Master or Resident Magistrate his or their report as to the condition of the insolvent estate, and for receiving from the creditors directions as to the management thereof.] And such publication shall be deemed notice thereof to all persons who may reasonably be presumed to have seen the same. And the times and places so fixed for the holding of any of the meetings aforesaid may, on cause shown to the said Master or to the Supreme Court by any party dissatisfied with the appointment made by the said Master be altered, of which alteration notice shall be forthwith given in the *Government Gazette*: Provided always, that if it shall appear to the said Master, before causing notice to be given as aforesaid, that the goods and effects of the insolvent available for the payment of his debts are not the value of *seventy-five pounds* sterling, he shall specify the same in the said advertisement; and shall therein also give notice that unless it shall be shown at the first meeting called as aforesaid that the goods and effects of the insolvent exceed the value of *seventy-five pounds* sterling, the Master or Resident Magistrate holding such meeting will summarily proceed to rank the debts which shall be proved at such meeting according to their respective preferences, and to direct the proceeds of the insolvent estate to be forthwith distributed accordingly, by a trustee to be then elected by the greater part of the creditors in number and value attending at such meeting. And in such case the said insolvent shall at such first meeting attend before the creditors to account for his insolvency, and shall, being thereunto required, do and perform thereat all such other matters and things as are hereinafter required to be

Proceedings in
cases where
effects do not
exceed the value
of £75.

Insolvent Law.

done and performed by him at any meeting of creditors under the provisions of this Ordinance: And if, at the said first meeting, which meeting may be adjourned from time to time if the said Master or Resident Magistrate shall deem it necessary to adjourn the same, it shall still appear to the said Master or Resident Magistrate as the case may be before whom the same is holden that the available assets of the said estate do not exceed the amount of *seventy-five pounds* sterling, it shall and may be lawful for the said Master or Resident Magistrate to rank the creditors who shall prove their debts at such meeting according to the legal order of their preference, and for the creditors to elect a trustee for the collection, administration, and distribution of the estate of the said insolvent according to the order of ranking, and to direct the said trustee forthwith to collect, administer, and distribute the same accordingly; and further, at the said first meeting the said Master or Resident Magistrate shall and may respectively execute all the powers and authority which may be executed by them at any meeting of creditors under the provisions of this Ordinance, and shall also do and perform thereat all matters and things required to be done for the final settlement of the said estate; and the creditors present at the said first meeting shall then determine what part of the wearing apparel, bedding, household furniture, and tools of trade of the insolvent shall be excepted from the sale of his moveable property and shall be allowed to him; and shall also give to the said trustee such directions as to the management of the said estate as to them shall seem fit: and no other meeting shall be thereafter holden, unless, upon cause shown to the said Master by any trustee or creditor of the said estate, the said Master shall think fit to order the same.

26. And be it enacted, that in all cases where any meeting of creditors for the proof of debts or for the election of trustees shall be appointed to be holden in Capetown, the same shall take place before the Master of the Supreme Court; and if in any District of the Colony other than the Cape District, then before the Resident Magistrate of such District under the direction of the said Master; and the said Master or Resident Magistrate shall respectively take the votes of the creditors, and declare the party so elected trustee of the said estate; and in all cases where such meeting shall be holden before the Resident Magistrate of any District he shall forthwith certify to the said Master the proceedings thereat.

Where meetings
of creditors to
be holden.

27. And be it enacted, that every creditor shall prove his debt against the said estate to the satisfaction of the Master, or Resident Magistrate, as the case may be, who shall admit any debt, or reject the same as not proved; and every creditor shall prove his debt by affidavit, which shall be sworn before the Master or Resident Magistrate, or some Commissioner appointed by the Supreme Court for taking affidavits, or some Justice of the Peace, and which shall state the nature of the alleged debt, and when such debt accrued originally to the deponent himself, that the same is a just, true, and lawful debt; and, when such debt has accrued to the deponent by cession, or otherwise, from any other person, then that the said debt is a just, true, and lawful debt, to the best of the deponent's knowledge and

Proof of debts.

Insolvent Law.

belief; and such affidavit shall state what other persons, if any, are, besides the insolvent, liable for the said debt, or any part thereof, or that there are no such persons so liable, and shall state all pledges or security which the deponent, or any person for his use, holds from the insolvent for the said debt, or any part thereof, and shall depose to the genuineness of all vouchers or evidences of debt which the deponent shall produce with his said affidavit: Provided always, that it shall be lawful for the said Master, or Resident Magistrate, in case he shall find that any clerk, agent, or other person, is more fully cognizant of the nature of the debt sought to be proved, than the creditor is, to allow such clerk, agent, or other person, to swear the affidavit aforesaid, with such alteration as will thereby become necessary; and provided that any creditor who is out of, or absent from, this Colony, may, in case he have no known agent or mandatory in this Colony, cognizant of, and capable of, proving the alleged debt, make the necessary affidavit before some person duly qualified to administer oaths in the place where he resides, such person being certified to be so qualified by some sufficient authority in that behalf, should such creditor reside, or be in any part of Her Majesty's dominions, and if such creditor should reside, or be elsewhere than in those dominions, then the said person shall be certified as aforesaid by a British Minister, or a British Consul, or by a Notary Public; and provided, that it shall and may be lawful for the Supreme Court, or any Circuit Court, on the application of any party interested, finally to admit or reject any debt admitted or rejected by the said Master, or Resident Magistrate, or to allow any action, which may have been instituted for the proof or recovery of any such debt against the insolvent, prior to the sequestration, and which has, in consequence thereof, been stayed, to be proceeded in after the election of a trustee shall have taken place, and after the trustee so elected shall have been duly summoned to take up and defend such action; and if the plaintiff shall thereafter obtain judgment thereon, he shall be ranked on the insolvent estate for the amount of such judgment; and provided also, that any such Court as aforesaid, before adjudging finally as to the admission or rejection of any debt, may remit such case to the Master, or Resident Magistrate, for further proof, or may direct any question of fact to be tried by pleadings and proofs, or adopt such other course as to such Court shall seem fit.

What debts
provable in
cases of mutual
credits.

28. And be it enacted, that all debts due by any insolvent at the time of adjudication or surrender may be proved against his estate, and when there has been mutual credit given by the insolvent and any other person, upon which compensation can by law be pleaded on either side, the Master of the Court or Resident Magistrate taking the proof of debt shall thereupon state the account between them, and shall set one debt or demand against the other, and what shall appear due on either side on the balance of such account, and no more, shall be allowed to be proved or claimed or paid on either side respectively: provided that the person claiming the benefit of such set-off had not, when such credit was given or when the cause of his debt accrued, notice of the order for sequestration having been made, or of any act of insolvency in virtue of which such order

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shall have been made: and provided always, that it shall and may be lawful for the Supreme Court on the application of any person interested who shall consider himself aggrieved by any such decision of the said Master or Resident Magistrate, to review the same, and to pronounce such judgment, or to direct or allow such further proceedings as to the Court shall appear just and proper.

29. And be it enacted, that in all questions upon this Ordinance every person to whom the insolvent was at the time of the surrender or adjudication or sequestration of his estate under any legal obligation to pay money at a certain future time, shall be accounted creditor *de presenti*, and shall be entitled to prove his debt for the amount of the money specified in the obligation. But in case the said debt shall not have become payable at the date of the order for sequestration, and shall not bear interest until the term of payment, or shall bear interest at a less rate than six per cent. per annum, the said debt shall be valued in voting, and such creditor shall receive payment thereof or dividend thereon only after deduction thereout of a rebate of interest of six per cent. per annum, or of so much per cent. per annum as shall correspond with the difference between the rate of interest payable on such debt and the rate of six per cent. per annum, as the case may be, to be computed from the date of the order for sequestration to the time when such debt would have become payable according to the terms on which it was contracted.

30. And be it enacted, that any creditor who shall hold a preferable security or lien upon any part of the insolvent estate shall, when he is the petitioning creditor, be obliged, upon oath, in the affidavit accompanying the petition—and when he is not the petitioning creditor, in the affidavit produced by him at the time of proving his debt—to put a value upon such security, so far as his debt may thereby be covered, and to deduct such value from the debt proved by him; but shall have the right to vote for trustees and commissioners, and in all matters regarding the property over which he shall have such security or lien, both in number and value, for the full and entire amount of his debt, and in all other matters respecting the insolvent estate he shall vote as creditor only for the balance; which balance shall be specified in his affidavit, without prejudice to such valuation being afterwards corrected, and without prejudice to the amount of the said debt in other respects; and in case any creditor shall hold any preferable security or lien for payment of his debt, obtained prior to the order for sequestration of the insolvent estate, and not liable to be set aside in virtue of this Ordinance, upon any part of the said estate, the amount or value of such security or lien shall be deducted from his debt, and he shall only be ranked for, or receive payment of, or a dividend for, the balance after such deduction; and if any dispute shall arise about the value of such security, the creditor or claimant shall, upon oath, put a value upon it, and the trustees shall then have an option, either of taking an assignment of the security for the benefit of the creditors at large, on payment of the value so estimated, out of the first assets of the insolvent estate, or of reserving the full effect of it to the creditor himself; and in either case, the creditor shall be ranked on the divisible fund for the balance of his debt so ascertained together

Debts payable at a future time proveable on a rebate of interest, and as to votes of such creditors.

Proof by creditor holding a preferable security or lien.

Insolvent Law.

with the other creditors, such creditor being in no event entitled to draw more than full payment of the debt, but being at the same time entitled to vote, both in number and value, according to the provisions and within the limits hereinbefore set forth.

As to proof of debts upon a contingency or condition valued by trustee, or after the event, and how dividend to be secured.

31. And be it enacted, that no person whose debt depends upon a contingency or on an uncertain condition shall be entitled to petition or join in the petition for sequestration of any estate, or to vote in the choice of trustee, or any of the other proceedings herein specified, so long as the contingency shall not happen, or the condition shall not be performed: Provided always, that the creditor in any such debt contracted before the order for sequestration shall have been made, may, if he think fit, while the contingency or condition upon which such debt depends shall not have happened or shall not have been performed, apply to the trustees to set a value upon such debt, and the trustee is hereby required to ascertain the value thereof, and to admit such creditor to prove the amount so ascertained; and such creditor shall thereafter be entitled to vote, and to receive dividends or payment as in respect of a debt of the value of the amount so ascertained; but, whether such value shall or shall not be so ascertained before the contingency shall have happened or the condition shall have been performed, such creditor may, whenever such contingency shall have happened or such condition shall have been performed, prove in respect of his whole debt, and receive dividends or payments thereon with the other creditors: Provided always, that when the creditor in any such debt or claim, the contingency of which shall not have happened, or the condition of which shall not have been performed, and the value of which shall not have been ascertained as aforesaid, shall enter a claim on the estate in respect of such debt, the trustee shall rank the claimant as if the contingency had happened or the condition had been performed, and shall forthwith apply to the Supreme Court to make an order, and the said Court shall make such order for securing the dividend or sum which the claimant would be entitled to draw until the contingency or condition upon which the debt depends shall happen or be performed, or until it shall have become certain that such contingency or condition shall never happen or be performed, when the sum so secured shall be paid to the claimant or to the other creditors as the case may be; and any interest which may in the mean time arise and be received thereupon, shall belong to and be paid to the other creditors; and provided also, that the holder of any such contingent debt or claim of which the value shall not have been ascertained, and who has been ranked as a claimant, as if the contingency had happened or the condition been performed, shall, for the purpose of agreeing to or dissenting from any offer of composition, or the certificate of the insolvent as hereinafter mentioned, be deemed and taken to be creditor for whatever sum the Master of the Supreme Court shall, under the circumstances of the said debt, fix and allow, subject to appeal from his decision to the Supreme Court.

As to securing to claimants debts which may eventually be established.

32. And be it enacted, that when by reason of the absence of any person from this Colony, or for any other cause appearing to the Supreme Court, the said Court shall be of opinion that a claimant

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who has not proved a debt to the satisfaction of the Court may eventually be able to establish the same, it shall and may be lawful for the said Court to allow such claim to be entered on the proceedings in the insolvent estate, and to give reasonable time for proving the same, and in the meantime to make such order for securing the amount thereof in case the said claim shall be afterwards established, as the said Court shall see fit.

33. And be it enacted, that the mode of settling claims and the interest upon them shall be as follows, viz.:—The principal sum of each debt, on which interest is chargeable, together with the arrears of interest, if there be any, due upon it at the time the order for sequestration was made, shall be accumulated as at the date of the said order, for the purpose of the claimant being ranked for and receiving payment of such accumulated sum, together with the principal sums of such debts as do not bear interest, or from which there may be a rebate of interest, as not being payable till an after period; and the assets of the insolvent estate shall be applied,—1st. In payment, according to the legal order of preference, of all the preferent debts, and the interest which shall have been due thereon, prior to the date of the said order, to the extent to which such interest is by law entitled to a preference; and every creditor shall have the same preference for the interest which shall have accrued on his debt between the date of the said order and the time of payment to which he may be entitled for any part of the interest which may have become due prior to the said order; and 2ndly. In payment of all the other accumulated sums so ranked, without allowing any interest upon them from and after the date of the said order, if the said assets shall not be sufficient to discharge all the claims due to the insolvent estate; but if after discharging the whole of such claims, there shall be any residue left of the sequestered estate, the creditors, as well as those from whom interest has been deducted on account of the provisions of the 29th section of this Ordinance, as all others, shall be entitled to claim out of such residue any arrear of interest which may be due on them, as arising since the date of the order for sequestration upon the respective sums ranked as hereinbefore mentioned.

Mode of settling
interest upon
claims.

34. And be it enacted, that in every case in which it shall happen that the estate of any company, and the estate or estates of any one or more of the partners of such company, shall be concurrently under administration as insolvent, the creditors of the said company shall prove their debts against, and rank upon, the estate of the company, and the creditors of each partner, in respect of debts due by such partner, separately from the other partners, shall prove their debts against, and rank upon, the estate belonging to their debtor, separately from the other partners, and the estate of the company shall be first applied in satisfaction of the creditors of the company, and each separate estate shall be first applied in satisfaction of the separate creditors of that estate; and if the estate of the company shall prove insufficient to satisfy the creditors of the company, or if there be no such estate, then each creditor of the company shall rank upon the surplus of each separate estate, which may remain after satisfying the separate creditors of that estate, either for the residue or entire

Mode of ranking
creditors of joint
and separate
estates.

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of his debt, as the case may be, but so, however, as not to receive, in all, more than the whole of their debts respectively; and if the separate estate of any partner shall prove insufficient to satisfy the separate creditors who have claimed upon it, then the separate creditors upon that separate estate shall rank upon the surplus, if any, of the company's estate, which shall remain after satisfying the creditors of that estate in proportion to the share in such surplus belonging to, or claimable in right of, the particular partner whose separate estate has so as aforesaid proved deficient; and whenever the company's estate shall prove insufficient to satisfy the company's creditors, and the latter shall thereupon receive satisfaction, wholly or in part, out of the surplus of the separate estate of any of the partners of such company, the trustee of the separate estate so satisfying, wholly or in part, any of the creditors of the company, shall be entitled to rank upon the separate estate of any other partner of such company, for amount of whatever the contribution in respect of the debts of the company, wholly or in part discharged, such trustee may, by law, be authorised to claim: Provided, however, that no partner, if insolvent, and no trustee of the insolvent estate of any partner, shall, under any circumstances, rank for the amount of any such claim for contribution, upon the insolvent estate of any other partner, in competition or concurrence with any of the creditors of the company, claiming upon any such last mentioned estate, which creditors are hereby declared to be entitled to be paid, in preference and priority to any such partner or trustee; and provided also, that nothing herein contained shall be construed so as to abridge or affect the rights which the creditors of any insolvent company may, by law, possess, to seek satisfaction for their debts from any partner of such company whose estate shall not have been sequestrated, or to abridge or affect the rights which any such solvent partner may, by law, possess, in regard either to the insolvent estate of the company, or to that of any of his partners whose estate may have been sequestrated.

Joint creditor may prove on separate estate for certain purposes.

35. And be it enacted, that in every case in which the separate estate of any partner of a company shall be sequestrated as insolvent, and whether the estate of such company shall also be, or have been, sequestrated or not, any creditor to whom the insolvent is indebted, jointly with the other partner or partners of the company, shall be entitled to prove his debt under the sequestration of such separate estate, for the purpose of voting in the election of trustees, and of agreeing to, or dissenting from, any offer of composition, and the certificate and discharge of the insolvent, as hereafter mentioned, but no further; and such creditor shall not receive any dividend out of the separate estate of the insolvent, until all the separate creditors shall have received the full amount of their respective debts; unless such creditor have been a petitioning creditor, in regard to the sequestration of such separate estate, in which case such creditor may vote, and receive dividends in respect of his debt, in the same manner as the separate creditor of such estate.

English rule regarding joint and separate creditors to govern cases not provided for.

36. And be it enacted, that in every case not hereinbefore expressly provided for, and relating to the ranking and priority of the joint creditors of any company, in competition with the separate

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creditors of any of the partners of such company, or relating to the reciprocal claims of any such insolvent estates, in reference to, or in relief of, each other, the rule, for the time being, in respect of the like case, according to the law and administration of bankruptcy in England shall first be resorted to, and failing any such rule, the common law of the Colony shall be applied.

37. And be it enacted, that any debt which was due, or the cause of which arose prior to the order for sequestration of any estate, may be proved at any meeting of the creditors appointed before the Master or a Resident Magistrate, at any time before the final distribution of the estate; and any creditor may, after the [third] meeting called by the Master of the Supreme Court in manner hereinbefore provided, at his own expense, call such meeting expressly for the purpose of proving his debt: Provided always, that when any debt is so proved, after any dividend has been paid to the creditors, such dividend shall not, in any way, be disturbed or affected by, or in respect of, any such debt; and provided also, that when any such debt is proved after the plan of distribution of such estate has been confirmed, and in consequence of the proof of such debt, any alteration in such plan of distribution, or any further proceedings in the sequestration shall be rendered necessary, the creditor proving such debt shall be liable for all expenses which may be incurred in consequence of any such alteration or proceedings.

38. And be it enacted, that in all cases of votes given by creditors under this Ordinance, when the creditors are to be counted in number, no creditor whose debt is below *thirty pounds* sterling, shall be reckoned in number, but the debt due to such creditor shall be computed in value; and that, in all cases in which any deduction is directed, by provisions of this Ordinance, to be made from the amount of the debt of any creditor, the vote of such creditor shall still be counted in value to the extent of the balance remaining after such deduction; and such creditor shall also be reckoned in number, provided such balance amounts to *thirty pounds* and upwards.

39. And be it enacted, that in all cases where, under the provisions of this Ordinance, the creditors of any insolvent estate are required or entitled to meet and to vote in any matter regarding such estate, any creditor so entitled may attend and vote at such meeting personally, or by agent, authorised by any power of attorney to that effect duly executed, upon proof thereof to the satisfaction of the Master of the Supreme Court, Resident Magistrate, or other person presiding at such meeting; and all questions at any meeting of creditors shall be determined by a majority in value of those present and entitled to vote, in case a majority, both of number and value, shall not, in respect of any such question, be by law specially required.

40. And be it enacted, that the [first] meeting called as aforesaid, or any adjournment thereof (if the said Master or Resident Magistrate shall find it necessary to adjourn the same, which they are hereby authorised and empowered to do), a trustee, or trustees, not exceeding three in number, shall be chosen for the collection, administration, and distribution of the insolvent estate and effects; and all creditors who have proved debts against the insolvent estate shall

Within what time, and before whom, debts are proveable, and effect thereof if dividend previously made.

Vide Law 7, 1866, § 2.

What creditors entitled to vote in number, and what in value.

Creditors may vote by agent.

Vide Law 7, 1866, § 2.

As to choice of trustees, and how and when to be brought under review of Court, and if fraudulently made.

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be entitled to vote in such choice; and creditors holding any preferable security or lien shall vote in manner and form hereinbefore provided; and the choice shall be made by the votes of the greater part, in number and value, of the creditors, or their agents present and entitled to vote: Provided, however, that it shall be competent to any person interested in any such insolvent estate, or the due administration thereof, and who shall complain of any such election, upon giving, within two days after the said election, a notice in writing of the particulars of such complaint to the said Master, or Resident Magistrate, as the case may be, at any time before the election is confirmed, in manner hereinafter mentioned, to bring the same under review of the Supreme Court, who shall, summarily or otherwise, as such Court shall see fit, decide and make such order thereon as the justice of the case may require: Provided always, that it shall be lawful for any person interested in the due administration of the estate, at any time after the confirmation, to apply to the Court to recall the confirmation, and set aside the election, on the ground that such election was fraudulently or unduly made.

Who incompetent to be appointed trustee.

41. And be it enacted, that in no case shall it be competent for the creditors to elect as trustee the insolvent himself, or any person related to the insolvent, by consanguinity or affinity within the fourth degree, nor any minor, nor any attorney, nor any person who, having had his estate, at any time, placed under sequestration, shall not have obtained the sequestration to be superseded, or who shall not have been rehabilitated under the provisions of the law heretofore in force within this colony, or shall not have obtained his certificate and allowance thereof, as hereinafter provided; nor any person, not resident within the jurisdiction of the Supreme Court, nor any person having an interest opposed to the general interest of the creditors in the insolvent estate, nor any person declared to be incapable of being elected by virtue of the provisions in the next succeeding section contained.

Acts of trustee entitling the Court to set election aside, and declare offender disqualified.

42. And be it enacted, that if any person elected a trustee shall be proved, to the satisfaction of the Supreme Court, or of any Circuit Court holden for the District in which the election of trustee was had, to have procured, or been privy to the omission from the schedule of the insolvent, of the name of any creditor of the insolvent, with intent thereby to obtain some peculiar advantage in regard to the election of trustee, or to have, either directly or indirectly, given, or promised to give, to any creditor of the insolvent, any species of valuable consideration whatsoever, in order to obtain the vote of such creditor at the election of trustee, or to have agreed to secure and make good to any creditor some certain sum or dividend, in discharge or diminution of his debt, upon condition or in order that such creditor should give his vote to such trustee; or to have offered or agreed, in case any creditor of the insolvent should consent to vote for such trustee, to abstain from opening up, or investigating, some previous transactions between such creditor and the insolvent, which were, or were supposed to be, of questionable validity, or to have contrived, or been privy to, any plan or arrangement by which debts or securities, really belonging to some one or more persons, have been divided amongst a greater number of per-

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sons, for the purpose merely of increasing the number of votes at the election for trustee, and thereby influencing the same, or to have undertaken to share with any creditor or creditors of the insolvent, in return for his or their votes, the commission or remuneration to be awarded to him as such trustee; then such Supreme or Circuit Court as aforesaid, shall, whether before or after the decree confirming the appointment of such trustee, declare such trustee to have forfeited the office of such trustee in regard to the insolvent estate, for which he shall have been elected, and to be incapable of being again elected thereto; and it shall and may be lawful for such Court, if it should so think fit, to further declare that the person so offending shall be incapable of being elected a trustee under the provisions of this Ordinance, for and during his natural life, or such period as such Court shall determine and adjudge; and any person interested in the due administration of the insolvent estate, may apply, by motion, to such Supreme or Circuit Court as aforesaid, either before or after the decree confirming the appointment of any trustee, to declare any such trustee to have forfeited his office by reason of any such misconduct as aforesaid; and as often as a vacancy in the office of trustee shall be created by any such forfeiture, the Court declaring the same shall order a new trustee to be elected, and the same proceedings shall be had thereon as on the original election of trustee.

43. [Repealed by Law 7, 1866, § 1.]

44. And be it enacted, that all trustees [* * * * *
* * *] elected by the creditors shall receive and be paid, out of the assets of the said estate, a reasonable compensation for their care and diligence in the said trust, to be assessed by the Master of the said Court, subject to the review of the said Court upon the petition of any creditor, or of the said trustees, or of any person having any interest in the said estate.

Vide Law 7,
1866, § 1.
Compensation to
trustees.

45. And be it enacted, that so soon as the trustees elected by the creditors shall have accepted their office, it shall and may be lawful for the Supreme Court, upon the report of the Master, to make a decree confirming the appointment of such trustee.

Confirmation of
trustees.

46. And be it enacted, that every order made for placing any estate under sequestration as insolvent shall, so soon as made, have the effect in law to divest the insolvent, and all persons administering the whole or any part of his estate for his use and behoof, and to vest in the Master of the Supreme Court for the uses and purposes of the sequestration, all the present and future estate, moveable and immoveable, personal and real, and every right, title, and interest in and to any property, moveable or immoveable, personal or real, wheresoever the same may be known or found, which shall belong or be due to such insolvent at the date of making such order, or as to which any right of reversion shall then be vested in him, or which may thereafter be purchased or acquired by, or may revert, descend, or be devised or come to, the insolvent at any time before the making of the order of Court allowing and confirming, as hereinafter mentioned, the account and plan of distribution to be framed by the trustees (except as in the 49th section is excepted), together with all deeds, vouchers, papers, or writings respecting the

Effect of order
for sequestration
upon the estate
of insolvent.

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same; and after the said order for sequestration has been made, neither the insolvent nor any person claiming through or under him shall have power to alienate, give, cede, deliver, mortgage, pledge, or to recover or to release or discharge the same, or any part thereof; neither shall the same be attached by any person as the property of or belonging to the insolvent.

47. [Repealed by Law No. 7, 1866, § 1.]

Effect of decree
for confirmation
of trustees.

Vide Law 7,
1866, § 1.

48. And be it enacted, that every decree made as herein directed for confirming any trustee or trustees shall, so soon as made, have the effect in law to divest the Master of the Supreme Court [* * * *], and to vest in the trustee or trustees thereby confirmed, for the uses and purposes of the sequestration; and so long as such trustee or trustees shall continue to hold their office, all the present and future estate, moveable and immoveable, personal or real, which shall have belonged or been due to such insolvent at the time when the order for placing his estate under sequestration was made or as to which any right of reversion shall then be vested in him, or which may thereafter be purchased or acquired by, or may revert, descend, or be devised or come to the insolvent during the continuance of the sequestration, and before the making of the order of Court allowing and confirming the account and plan of distribution as hereinafter provided, wheresoever the same may be found or known (except as in the 49th section is excepted), together with all deeds, vouchers, papers, or writings respecting the same; and the said trustee or trustees shall have the like remedy to recover the said estate of the insolvent, or any part thereof, in their own names for the purposes of the sequestration as the insolvent himself might have had if his estate had not been sequestrated: and all powers vested in any insolvent at the time the order for placing his estate under sequestration was made, or which may thereafter become vested during the continuance of the sequestration, and before the making of the said order allowing and confirming the account and plan aforesaid, which such insolvent might have legally executed for his benefit, shall, after the said order for placing his estate under sequestration [* * * *], or until a decree be made for confirming the appointment of a trustee or trustees elected by the creditors, be executed by the Master of the Supreme Court [* * * *] and after such decree is made for confirming such appointment as aforesaid, may be executed by the trustee or trustees whose appointment is thereby confirmed, for the benefit of the creditors, in such manner as the insolvent might have executed the same, and the said insolvent is hereby declared to be incapable to exercise or execute any such power as aforesaid.

Vide Law 7,
1866, § 1.

Vide Law 7,
1866, § 1.

Capacity of
insolvent be-
tween order of
sequestration
account and
plan of distri-
bution.

49. And be it enacted, that during the time which shall intervene between the time of the making of the order for the sequestration of any insolvent estate and the making of the order allowing and confirming the account and plan of distribution, as hereinafter provided, the insolvent, so long as he shall remain without his certificate, shall (except in the certain cases hereinafter excepted) be absolutely disqualified and incapacitated to acquire or possess as against the person in whom for the time being the insolvent estate

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shall by law be vested, any property, goods, or effects, moveable or immoveable, personal or real, or any right to any such property, goods, or effects ; and shall in like manner be absolutely disqualified and incapacitated to cede, transfer, or convey, so as to bind the person in whom for the time being the insolvent estate shall by law be vested, any property, goods, or effects, or any debt, claim, or demand, or any bond, bill of exchange, promissory note, or other security for money, and as against or in question with such last-mentioned person every such attempted cession, transfer, or conveyance shall be totally null and void. And no person who shall have sold and delivered upon credit any goods, wares, merchandise, or other matter or things to any such insolvent, shall be entitled to reduce or set aside the sale, or to claim the amount of the purchase money from the person in whom the insolvent estate shall for the time being by law be vested, by reason merely that the said insolvent was, at the time of the contract for sale so disqualified and incapacitated as aforesaid, or that the articles sold and delivered have been taken possession of by such person in whom the said estate was vested as aforesaid for the benefit of the said estate. And no such insolvent shall be deemed or taken to have any power to bind any such last-mentioned person, or the insolvent estate in him vested, by any sort or description of dealing, contract, or transaction whatsoever, unless the same shall have been entered into by virtue of an authority to that effect from such person in writing: Provided always, that nothing herein contained shall be construed so as to prevent any such insolvent from passing a valid title by any such cession, transfer, or conveyance as aforesaid, while acting, so far as he shall be authorised in writing so to do, as the mandatory or agent of his trustee, or from acting as the mandatory or agent of any other person by whom such insolvent shall be authorised in writing so to act, and for whom he shall have been, in writing, permitted so to act by the person in whom for the time being the insolvent estate shall be vested: Provided also, that nothing herein contained shall be construed so as to prevent any insolvent, whether acting as such mandatory or agent as aforesaid or not, from well and effectually passing title to any person whatever, by the delivering to him of any moveable goods or effects which were next before such delivery in the actual possession of such insolvent, in pursuance of any real and *bona fide* purchase from such insolvent for a just price duly paid, or to prevent any such insolvent from well and effectually passing title to any money paid by him in cash down for any matter or thing purchased by him at the time of such payment, or to prevent any such insolvent from receiving, suing for, and recovering in his own name and for his own personal and exclusive use, and free from the control of his trustee, the hire, wages, or reward of his work and labour or that of any of his family, by him or them bestowed during the intervening time aforesaid or any part thereof, or any damages claimable by reason of any personal wrong or injury done to such insolvent or any member of his family: and provided, that whenever any property, goods, or effects shall be proved by such insolvent to have been purchased or obtained by means of any monies receivable or recoverable as aforesaid for his

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own personal use, such property, goods, or effects shall also be free from the control of his trustee, in like manner as the moneys were by which they were purchased or obtained.

**Actions by or
against trustees.**

50. And be it enacted, that it shall and may be lawful for the trustees to take up and continue in their own names the process in any action commenced for any debt or demand due to the estate before their appointment, or to discontinue the same as they shall see fit, and also to commence any new suit or action in any competent Court for any debt or demand due to or affecting the estate of any insolvent person, and also to defend any action brought against them or pending against the insolvent relating to or affecting the said estate.

**Insolvent com-
petent as
witness.**

51. And be it enacted, that in every such action as in the last preceding section mentioned, and in every action between any parties for determining the validity of the claim of any person claiming to be a creditor in the insolvent estate, or the right of any person or persons to or of preference over any part of the assets of the insolvent estate, the insolvent, whether he shall have obtained his certificate or not, shall not be deemed or taken to be an incompetent witness, either for or against the said trustees, or either of the parties in any such action as aforesaid, by reason of any interest which he may have or be presumed to have in the event of the suit.

**Removal of
trustee and new
election.**

52. And be it enacted, that it shall and may be lawful for the Supreme Court or any Circuit Court on cause shown by the Master of the said Court, or by any person interested in the due administration of the insolvent estate, to remove any trustee or trustees for insolvency, or for any misconduct in the said trust, or on account of absence from this Colony; and thereupon, and as often as any trustee shall die, or obtain leave from the said Court to resign, or shall become incapacitated, it shall and may be lawful for the said Court, or any Judge thereof, to order a new trustee to be elected, and the same proceedings shall be had thereon as on the original election of trustees; and it shall and may be lawful for the said Court, or any Judge thereof, in the mean time, to make such order as may be necessary or expedient for the preservation of the insolvent estate until such new trustee shall be elected and confirmed.

**Effect of decree
for confirmation
of new trustee.**

53. And be it enacted, that whenever, on the death or removal of any trustee, any new trustee shall be elected and confirmed in manner hereinbefore provided, the decree confirming the appointment of such new trustee shall have the effect in law to vest in the new trustee the whole insolvent estate, present or future, as hereinbefore particularly described, and every power, right, title, privilege, and remedy vested in or competent to the former trustee as trustee before his death or removal, as fully and to the same extent as the same was vested in the former trustee by the decree made for confirming his appointment, in manner aforesaid: Provided always, that the death or removal of any trustee shall not affect the validity or force of any lawful act done by him as trustee for the purposes of the sequestration prior to his death or removal. And during any period of time which shall elapse between the death or removal of any trustee and the making of the decree for confirming the election of the trustee confirmed in his place, and no longer, the whole of

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the then existing insolvent estate shall, except when, notwithstanding such death or removal, there shall remain in office one or more of the trustees of the said estate, be vested in the Master of the Supreme Court.

54. And be it enacted, that whenever a trustee shall die or a new trustee shall be chosen, no action relative to the insolvent estate shall be thereby abated; but the Court in which any such action is depending may, upon the suggestion of such death or removal, or that a new trustee has been chosen and confirmed, allow the name of the surviving or new trustee or trustees to be substituted in the place of the former; and the said action shall proceed as if such surviving or new trustee or trustees had originally commenced or defended the same.

Actions may be continued by new trustees.

55. And be it enacted, that every trustee, on being confirmed, shall forthwith cause notice of the sequestration and of his appointment to be given by advertisement in the *Government Gazette*, and the Master of the Supreme Court shall cause notice of every order made for the removal of any trustee to be given by advertisement in the *Government Gazette*.

Notice by trustees of their appointment.

56. And be it enacted, that it shall and may be lawful for any trustee or trustees at any time to call a general meeting of the creditors, and to require their directions concerning the collection or sale of any part of the estate, or concerning any matter or question relating to the administration of the said estate; and the trustee or trustees shall call such meeting whenever they are thereto required by one-fourth of the creditors in value who have produced and proved their claims, and the said trustees shall pursue the directions of the greater part of the creditors attending such meeting: Provided always, that twenty-eight days' notice at the least shall be given of every such meeting, and of the purpose thereof, in the *Government Gazette*, unless, in any particular case, the Master or Resident Magistrate shall authorise the trustee or trustees to call a meeting upon some shorter notice; and provided also, that no such meeting shall be competent to direct the said trustees to do anything calculated to interfere with or injure the just rights of any creditor who shall hold any preferable security or lien upon any part of the insolvent estate; and in case any direction shall be given by any such meeting calculated to interfere with or injure such rights, such creditor may apply by motion to the Supreme Court to set aside such direction, and thereupon the said Court shall make such order in the premises as shall to justice appertain.

As to trustees calling general meetings of creditors.

57. And be it enacted, that all meetings of creditors called by virtue of this Ordinance and appointed to be holden in Capetown shall take place before the Master of the Supreme Court; and if appointed to be holden in any District of the Colony other than the Cape District, then before the Resident Magistrate of such District, or the person acting as such, who shall forthwith certify to the said Master the proceedings thereat.

All meetings of creditors to be held before either Master or Resident Magistrate.

58. And be it enacted, that it shall and may be lawful for the trustees to take legal advice on any legal question affecting the insolvent estate, or the administration thereof, and to employ an attorney for the conducting and defending all actions and suits for

Employment by trustees of attorneys.

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or against the insolvent estate, and to charge against the insolvent estate all such fees as shall thereby be incurred and shall be allowed upon taxation by the Master of the Supreme Court, subject to the review of the Supreme Court, upon the complaint of the attorney so employed, or of any person having an interest in the due administration of the estate under sequestration; and when it shall be made to appear to the Supreme Court that any attorney has improperly advised, commenced, conducted, or defended any such action or suit, or incurred any improper or unnecessary expense therein, with the purpose of thereby benefitting himself, and not with the *bond fide* purpose of thereby benefitting the insolvent estate, it shall and may be lawful for the said Court to order the whole or any part of the costs of such action to be paid by such attorney, as the said Court shall see fit.

Employment by trustees of insolvent or other person about the estate.

Vide Law 7, 1866, § 1.

59. And be it enacted, that it shall and may be lawful for the Master of the Supreme Court, and for any trustees [* * * *], to grant and allow to the insolvent out of the assets of the insolvent estate such moderate sum or sums as the said Master or the said trustees respectively shall find to be indispensably necessary for the support of the insolvent and his family, pending the decision of the creditors in regard to such support; and the said Master and such trustees as aforesaid may, if they shall [* * *] see fit, employ the insolvent or any other person in the gathering and preservation of any crops or produce for any reasonable time necessary for the gathering and preservation thereof; and also leave the said insolvent, or place any other person in the charge of any property, manufactory, or concern belonging to the insolvent estate until the same shall be sold, disposed of, or wound up, and make to the said insolvent or other person so employed a reasonable allowance per diem for his labour; provided that the amount of every such allowance, whether for support or labour as the case may be, granted before the meeting of creditors which shall be first holden after the second meeting of creditors by this Ordinance directed, shall be submitted to such meeting, which meeting shall have power to decide whether any such allowance shall be continued, and if so, for what length of time, and what shall be the amount thereof; and provided also, that every trustee who shall make any such allowance to an insolvent, except with the consent of the creditors assembled at such meeting as last aforesaid, or at some other meeting duly convened, shall forthwith report to the Master of the Supreme Court the amount and grounds of such allowance: and provided, that every such allowance made by any trustee without the consent of the creditors shall be subject to the review of the Supreme Court, upon the application of the said Master, or of any person interested in the due administration of the insolvent estate.

Attendance of insolvent at meetings of his creditors.

Vide Law 7, 1866, § 2.

60. And be it enacted, that the insolvent, or legal administrator of any insolvent estate, shall attend before the creditors at the first, second, and third meetings of creditors to be holden by virtue of this Ordinance, and at every adjournment of the said [first] meeting, unless authorised by the Master or Resident Magistrate, as the case may be, not to attend any such adjourned meeting, and shall also attend before the creditors at every other meeting of creditors held

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by virtue of this Ordinance, whenever he shall be required so to do, by a notice in writing signed by the Master of the Supreme Court, or by the Resident Magistrate before whom such meeting is to be held (which notice the said Master and Resident Magistrate are hereby respectively authorised to give), and shall, at every meeting of creditors which he shall attend, answer all such lawful questions as shall be put to him by the said Master, or the said Resident Magistrate, as the case may be, touching and concerning his affairs and estate, and the cause and ground of his insolvency, and shall, at the said second meeting, being thereunto required by the creditors, lodge with the Master, or Resident Magistrate, as the case may be, to be by him delivered to the trustee, or trustees, when appointed or confirmed, a true inventory of the whole of such estate and effects, moveable and immoveable, personal and real, wheresoever the same may be situated, and of all estates and effects in expectancy or contingency, or to which the insolvent may have any eventual right, and all debts due to and by him, to the best of his knowledge and belief, and all books of accounts, papers, writings, documents, bills, and vouchers, relating to the said estate, which are in his custody or power; and the said insolvent, or administrator, shall, upon being thereunto required, surrender the said books, papers, writings, documents, bills, and vouchers, to the said Master, or Resident Magistrate, as the case may be, to be by him delivered to the trustee, or trustees, when appointed or confirmed.

61. And be it enacted, that it shall and may be lawful for the Master of the Supreme Court, and for the Resident Magistrate, when they shall respectively preside at any meeting of creditors before which the insolvent shall attend, to examine the insolvent upon oath, if they shall see fit so to do, touching all matters relating to his trade, dealings, or estate, or which may tend to disclose any secret alienation, transfer, cession, delivery, or concealment, of his estate and effects, moveable or immoveable, personal or real, and to cause his examination to be reduced to writing, and signed by him, and annexed to the proceedings in the said estate.

Insolvent may be examined on oath at any meeting.

62. And be it enacted, that it shall and may be lawful for the Supreme Court, or any Circuit Court, upon the application of the trustee or trustees, whenever and so often as they shall see fit, to summon any insolvent before the Supreme Court, or any Circuit Court, or any Commissioner of the Supreme Court, if the said Court shall see fit so to order, whether the said insolvent shall have obtained his certificate and allowance thereof or not. And it shall be lawful for such Court, or Commissioner, to examine him upon oath touching all matters relating to his trade, dealings, or estate, which may tend to disclose any secret alienation, transfer, cession, delivery or concealment of his estate or effects, moveable or immoveable, personal or real, and to cause his examination to be reduced to writing, and signed by him, and annexed to the proceedings in the said estate.

Examination of insolvent before the Court or commissioner.

63. And be it enacted, that if any insolvent, being lawfully summoned as aforesaid, to appear before the Supreme Court or any Circuit Court, or any Commissioner of the Supreme Court, shall not, at the time and place appointed in the summons for his appearance,

Warrant for apprehension of insolvent for not appearing.

Insolvent Law.

come before such Court or Commissioner (having no lawful impediment at such time made known to, and allowed by such Court or Commissioner), it shall be lawful for such Court or for such Commissioner, under his hand, to grant warrant, authorising any officer of the law, or other person, to apprehend such insolvent, and forthwith to bring him before such Court or Commissioner, or to lodge him in any prison, therein to be detained until the time which such Court or Commissioner, as aforesaid, shall have appointed anew, on the application of the trustee or trustees, for his examination; and the gaoler of every such prison shall cause him to be brought before such Court or Commissioner, at the time and place specified in such warrant; and every insolvent aforesaid, who, being summoned as aforesaid, shall depart from the Colony, or abscond, or conceal himself within the same, with the purpose and intent to evade appearing at any such examination to which he was summoned, or to prevent any warrant hereinbefore mentioned from being executed upon him, shall be deemed guilty of the crime of fraudulent insolvency; and shall, on conviction thereof, suffer transportation for any period not exceeding seven years, or imprisonment, with or without hard labour, for any period not exceeding five years.

Offence and
punishment for
absconding, &c.

In what cases
the insolvent
under examina-
tion may be
committed.

Vide Law 7,
1866, § 2.

64. And be it enacted, that if any insolvent shall, at the [first] meeting of his creditors, or any adjournment thereof held as aforesaid, being thereunto required, refuse to lodge a true inventory of his estate and effects, or to surrender the books, papers, writings, documents, bills, or vouchers, relative to his estate as aforesaid; or shall, at his examination before any Court or Commissioner before mentioned, or any meeting of creditors which he shall attend as aforesaid, refuse to be sworn, or shall refuse to answer any lawful questions put to him by such Court or Commissioner, or by the said Master or Resident Magistrate, touching any of the matters aforesaid; or shall refuse to sign or subscribe his examination, so reduced into writing as aforesaid (not having any lawful objection to so doing), it shall be lawful for such Court, or Commissioner, or for such Master, or such Resident Magistrate, by warrant under his hand, to commit him to such prison as they shall think fit, there to remain without bail, until he submit to do the matters aforesaid, or to be sworn, or make answer to such lawful questions as shall by them be put to him, or sign and subscribe such examination as aforesaid.

Wife and any
person may be
summoned for
examination
before Court or
Commissioner.

65. And be it enacted, that after surrender or adjudication of sequestration of any estate as insolvent, it shall and may be lawful for the Supreme Court, or any Circuit Court, upon the application of the said trustee, or trustees, to summon before the said Court, or any Circuit Court, or any Commissioner of the Supreme Court, the wife of the insolvent, or any person known or suspected to have in possession any of the estate of the insolvent, or to be indebted to the insolvent, or any person whom the said Court may see reason to believe capable of giving information concerning the person, trade, dealing, or estate of such insolvent, or any information material to the full disclosure thereof; and also to require such person to produce any books, papers, deeds, writings, or other documents, in his or her custody, which may appear to the said Court necessary to the

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verification or disclosure of any of the matters aforesaid ; and it shall and may be lawful for the said Supreme Court, or Circuit Court, or Commissioner, to examine every such person, upon oath, concerning the person, trade, dealings, or estate of such insolvent, and to cause his or her examination to be reduced to writing, and signed by him or her, and annexed to the said proceedings ; and if any such person shall, upon being lawfully summoned to appear to be examined, fail so to appear (having no lawful impediment made known to the Court, or Commissioner, before whom such person is summoned at such time, and allowed by them), it shall be lawful for such Court, or for such Commissioner under his hand, to grant warrant, authorising and directing any officer of the law, or other person, to apprehend the person so summoned and failing to appear, and to bring the said person before such Court or Commissioner, or to lodge the said person in any prison, therein to be detained until the time which such Court, or Commissioner, shall, on the application of the trustee or trustees, have appointed anew for his or her examination ; and the gaoler of any such prison shall cause such person to be brought before such Court or Commissioner at the time and place specified in such warrant. And if any such person so summoned, or brought before such Court, or Commissioner, for examination, shall refuse to be sworn, or shall refuse to answer any lawful question put by such Court or Commissioner, touching any of the matters aforesaid, or shall refuse to sign his or her examination so reduced into writing as aforesaid (not having any lawful objection allowed by such Court or Commissioner), or shall not, being thereunto required, produce any books, papers, deeds, writings, or other documents, in his or her custody or power, relating to any of the matters aforesaid, and to the production of which he or she shall not state any objection allowed by them, it shall be lawful for such Court, or for such Commissioner, by warrant under his hand, to commit him to such prison as they shall think fit, there to remain without bail, until such person shall submit to be sworn, or make answers to all such lawful questions, as shall by such Court or Commissioner be put, or sign such examination, or produce such books, papers, deeds, writings, or other documents, as aforesaid, in his or her custody or power, to the production of which no such objection as aforesaid shall be allowed.

Apprehension
upon refusing
to appear.

And in what
cases liable to be
committed.

66. And be it enacted, that the insolvent and every other person summoned before the Supreme Court, or Circuit Court, or any Commissioner, by order of the said Court to be examined or give evidence, or make disclosure of the trade, dealings, estate, or effects of any insolvent, under or by virtue of this Ordinance, shall have his necessary expenses tendered to him by the trustee or trustees of such insolvent estate, in like manner as is by law required upon service of a subpoena to witness in any civil suit ; and such necessary expenses shall also be tendered to every insolvent who is required by any notice in writing signed by the Master of the Supreme Court, or by any Resident Magistrate, to attend any meeting of creditors other than the first, second, and third meetings as aforesaid, or some adjournment of the second meeting.

Expenses to be
tendered to per-
sons summoned.

67. And be it enacted, that every insolvent or other person, sworn by or before any Court or Commissioner, or by the Master

Insolvent
swearing falsely
guilty of the
crime of perjury.

Insolvent Law.

of the Supreme Court, or by any Resident Magistrate, by virtue of any of the provisions of this Ordinance, who shall wilfully make any false answer to any lawful question put by such Court, Commissioner, Master, or Resident Magistrate, such person shall be deemed guilty of the crime of perjury, and on conviction thereof shall suffer any punishment provided by law for such crime.

As to discharge from prison by Court or Judge of person under commitment.

68. And be it enacted, that if any person whatsoever be committed by any Court or Commissioner, or by the said Master, or by any Resident Magistrate, for refusing to answer, or not fully answering, any question put to him by them, they shall, in their warrant of commitment, specify every such question; and if any person so committed as aforesaid, shall make any application to any Court or Judge, competent to entertain the same, in order to be discharged from such commitment, and there shall not appear to such Court or Judge any insufficiency or informality in the form of the warrant, whereby such person was committed, by reason whereof he might be discharged, it shall be lawful for such Court or Judge, and such Court or Judge is hereby required, to re-commit such person to the same prison, there to remain until he shall conform as aforesaid; unless it be shown to such Court or Judge by the party committed, that he has fully answered all lawful questions put to him on his examination as aforesaid; or, if such person was committed for refusing to be sworn, or for not signing his examination, unless it shall appear to such Court or Judge, that he had a sufficient reason for the same: Provided also, that such Court or Judge shall, if required thereto by the party committed, consider the whole examination of such party, whereof any such question was a part; and if it shall appear from the whole examination that the answer or answers of the party committed is or are satisfactory, such Court or Judge shall and may order the party so committed to be discharged.

Actions against Master or Magistrate to be subject to same provisions as actions against Justices of the Peace.

69. And be it enacted, that in case any suit or action shall be instituted, or sought to be instituted, against the Master of the Supreme Court, or any Commissioner of the said Court, or any Resident Magistrate, by reason, or on account of, any commitment to prison of the insolvent or other person, the said Master, Commissioner, and Resident Magistrate shall respectively possess and enjoy, in reference to such action, and the process and proceedings therein, every right, privilege, and provision, and be subject to every liability which do, or shall by law, belong and pertain to suits or actions instituted, or sought to be instituted, against Justices of the Peace, for anything done by them in the execution of their office: Provided also, that the Court before which any action, founded upon a commitment for refusing to answer, or not fully answering any question or questions put to the plaintiff, is tried, shall, if required thereto by the defendant, consider the whole examination of the plaintiff, whereof such question was, or such questions were, a part; and if it shall, upon such consideration, appear to such Court that the plaintiff was lawfully committed, the defendant shall have the same benefit therefrom as if the whole of such examination had been set forth in the warrant of commitment.

What shall be fraudulent insolvency, and the punishment thereof.

70. And be it enacted, that if any insolvent, whose estate shall have already been, or shall hereafter be, surrendered or adjudged to

Insolvent Law.

be sequestrated as insolvent, shall, either before or after the making of the order for sequestration, have alienated, transferred, given, ceded, delivered, mortgaged, or pledged, or shall have embezzled, concealed, or removed, any part of his estate or effects, to the value of ten pounds sterling, or upwards; or shall have concealed, removed, destroyed, falsified, or mutilated, any books of accounts, papers, writings, documents, bills, or vouchers, relating thereto, with intent to defraud his creditors; or shall have fraudulently contracted any debt; or if any insolvent shall, at the second meeting of his creditors, or any adjournment thereof, holden before the Master of the Supreme Court, or any Resident Magistrate, for the purpose aforesaid, wilfully lodge any inventory, containing any false statement of his estate or effects, or any part thereof, or with respect to any debt due to, or by him, or shall produce any books of accounts, papers, writings, documents, bills, or vouchers, which are false, or on which any erasure or alteration has been made, or caused to be made, by him, or with his knowledge, with the intent to defraud his creditors; or if any such insolvent shall, at any time, when examined in manner aforesaid, before any Court or Commissioner, or by the Master of the Supreme Court, or by any Resident Magistrate, wilfully make any false answers to any lawful questions then put to him, with intent to defraud his creditors, or shall have connived at, or concealed from the trustee, his knowledge of the proof, by any person, of a false debt against his estate, he shall be deemed to be guilty of the crime of fraudulent insolvency, and, on conviction thereof, shall suffer transportation for life, or for any shorter period, not less than five years, or imprisonment, with or without hard labour, for any period not exceeding five years.

71. And be it enacted, that if any insolvent whose estate shall hereafter be surrendered, or adjudged to be sequestrated as insolvent, shall fail to attend before his creditors at the first, second, and third meetings thereof, or shall fail to attend at any adjournment of the said [first] meeting, unless authorised by the Master or Resident Magistrate, as the case may be, not to attend the same, or shall, without good and lawful reason for absenting himself, fail to attend before his creditors, at any meeting thereof, after having been personally served with a notice in writing, signed by the Master or the Resident Magistrate, as the case may be, requiring him to attend such meeting, or shall not, in case his estate is deficient to the amount of five hundred pounds, or upwards, have kept, or caused to be kept, such reasonable and proper books or accounts containing all such entries belonging to, and exhibiting the nature of, his dealings and transactions as (regard being had to his particular trade or calling) might reasonably be expected and required; or shall not, when thereto required by the said Master, or the Resident Magistrate, as the case may be, at any meeting of his creditors, account for, or discover, what has become of any money, or valuable security, or other property or effects, which shall have been proved to have been in his possession so recently before the sequestration as to make it his duty so to do; or shall not, when thereto required by such Master or Resident Magistrate as aforesaid, give a true and a sufficient explanation of the cause or causes of his insolvency; or if

What shall be
culpable insol-
vency, and the
punishment
thereof.

Vide Law 7,
1866, § 2.

Insolvent Law.

he shall have given to any of his creditors an undue preference as the same is hereinafter defined; or shall have contracted any debt without any reasonable or probable expectation, at the time of contracting the same, of being able to pay the same; or shall have incurred any debt by reason of any breach of trust; or shall, without having obtained his certificate and the allowance thereof, between the time of the making of the order for the sequestration of his estate and the time of the making of the decree confirming the account and plan of distribution as hereinafter mentioned, have entered into any dealing or business, or taken upon him the buying and selling of any goods, wares, or merchandise, whether for himself or any other person whatsoever, without the authority, in writing, of the person in whom the insolvent estate shall, for the time being, by law be vested, first had and obtained; or shall have granted, made, or promised any gratuity, payment, security, or other undue consideration, in order to procure or obtain the concurrence or assent of any creditor either to any offer of composition, or to the certificate, as the same are hereinafter mentioned, such insolvent shall be deemed to be guilty of the crime of culpable insolvency, and, upon conviction, be imprisoned, with or without hard labour, for any period not exceeding six months.

Courts of Resident Magistrates to have jurisdiction in cases of culpable insolvency.

72. And be it enacted, that it shall and may be lawful for the Courts of the Resident Magistrates in this Colony respectively, on the conviction before any such Court of any person of any of the offences set forth in the last preceding section mentioned, to sentence such person to the punishment in the said section provided.

Nature of trustee's right of prosecution.

73. And be it enacted, that every trustee and every creditor of or on the estate of any insolvent shall, with regard to any of the offences set forth in the 71st section of this Ordinance, have the same right of prosecution which any private person has by law, with regard to any offence committed against his person or property, and no other right: Provided always, that no creditor or creditors shall be entitled to exercise any such right of prosecution for any such offence without first obtaining from the trustee, and producing, a certificate that the trustee declines to prosecute for that offence.

As to offence of knowingly receiving any fraudulent alienation, &c., from insolvent.

74. And be it enacted, that if any person shall receive or accept any alienation, transfer, gift, cession, delivery, mortgage, or pledge made by any insolvent of any part of his estate or effects, with intent to defraud the creditors of the insolvent, knowing at the time the same to be fraudulently made, such person shall, on conviction thereof, suffer transportation for life, or for any period not less than five years, or imprisonment, with or without hard labour, for any period not exceeding five years.

As to offence of removing, embezzling, &c., any property under attachment.

75. And be it enacted, that if any person shall dispose of, remove, conceal, embezzle, or receive any moveable property belonging to any insolvent estate which has been attached by virtue of any order for the sequestration thereof, or any moveable property which has been attached by process of any competent Court, knowing the same to have been so attached, and with intent to defeat the said attachment, such person shall, on conviction thereof, suffer transportation for any period not exceeding seven years, or imprisonment, with or without hard labour, for any period not exceeding five years.

Insolvent Law.

76. And be it enacted, that in all cases when, on the application of the Master of the Supreme Court, or any trustee or trustees of any insolvent estate, it shall, on oath, be made to appear, to the satisfaction of any Judge of the Supreme Court or Resident Magistrate or Justice of the Peace, that there is reason to suspect or believe that property of any insolvent is concealed in any house or other place not belonging to the insolvent, it shall and may be lawful to the said Judge, Magistrate, or Justice of the Peace to grant a warrant to search for and take the said property; which warrant shall be executed in like manner as is by law allowed in execution of a search warrant for property reputed to be stolen and concealed; and any property of the insolvent so found shall forthwith be delivered, if no trustee or trustees have hitherto been confirmed, to the Master of the Supreme Court, or otherwise to the trustee or trustees who have been confirmed, or to any person appointed by the said Master or trustee or trustees to receive the same.

Warrants to search for concealed property of any insolvent.

77. [Repealed by Law No. 7, 1866, § 1.]

78. And be it enacted, that it shall and may be lawful for the creditors of any insolvent estate, present at such third meeting as aforesaid, or at any other subsequent meeting, to elect, if they shall by a majority determine so to do, one Commissioner, who shall be either a creditor or mandatory of a creditor, and the same proceedings shall take place, and the same regulations apply, in regard to his election, as are hereinbefore provided in regard to the election of trustee, except that no decree of the Supreme Court, confirming his appointment, shall be necessary: Provided that no person shall be eligible to be a Commissioner who is disqualified to be a trustee, and provided that, after every such election of a Commissioner, the Master of the Supreme Court or the Resident Magistrate, as the case may be, shall annex a record thereof to the proceedings in the insolvent estate; and provided that the trustee shall, in all cases when a Commissioner has declined to act, or died, or resigned, or become incapacitated, call a meeting of creditors, for the purpose of electing, should they, by a majority, think proper so to do, a new Commissioner, and such new Commissioner shall be elected in the manner hereinbefore provided: And provided, that no Commissioner shall be entitled to, or receive, any species of salary, commission, allowance, or remuneration whatever from the insolvent estate, for his services as Commissioner; and provided that, when the question of electing a Commissioner shall be sought to be submitted to any meeting of creditors other than the third meeting, a public notice, of not less than fourteen days, shall be given in the *Government Gazette* that such a question will be submitted to such meeting.

Choice of a Commissioner.

79. And be it enacted, that it shall and may be lawful for the said Commissioner, when such shall be elected as aforesaid, to superintend the proceedings of the trustee, give his advice and assistance in the management of the estate, inquire, from time to time, into the situation thereof, and of every part thereof, examine all the accounts of the trustee regarding the said estate, require from the trustee all such reasonable explanation or information as he or they may, from time to time, demand, touching any matter or thing belonging to

Duties and powers of Commissioner.

Insolvent Law.

the administration of the said estate, and assist the Master of the Supreme Court in assessing the compensation to be paid to the trustee.

Commissioner
may call
meetings.

80. And be it enacted, that it shall and may be lawful for the Commissioner to call, at any time, a general meeting of the creditors, and to make to such meeting such reports or representations, in regard to any matter or question respecting the administration of the insolvent estate as he shall deem necessary or expedient; and the trustee shall pursue the directions of the greater part of the creditors attending such meeting: Provided always, that twenty-eight days' notice, at the least, shall be given of every such meeting, and of the purpose thereof, in the *Government Gazette*.

Trustee neglect-
ing to comply
with lawful
requirements of
Commissioner
guilty of mis-
conduct in his
trust, and
removeable.

81. And be it enacted, that any trustee who shall neglect, or refuse, to give to any Commissioner any such information concerning the situation and administration of the insolvent estate, or any such insight into the accounts thereof, as the said Commissioner is, as aforesaid, authorised and empowered to demand and require, shall be deemed and taken to have misconducted himself in his trust, and may thereupon be removed, in manner and form as hereinbefore provided, from the office of trustee.

Mode of calling
in debts due to
estate, and costs
upon non-
payment.

82. And be it enacted, that the trustee or trustees shall, after being confirmed, forthwith call in and collect all debts due to the estate, and, for that purpose, they shall, by advertisement in the *Government Gazette*, summon all debtors to pay, or cause the same to be paid, to them, at such time and place as shall be therein appointed for that purpose; and any person neglecting or refusing to make such payment, and being afterwards sued for any such debt, shall, if the said trustee or trustees obtain a judgment against him, and if he shall not show cause, to the satisfaction of the Court awarding such judgment, for such neglect or refusal, pay to the said trustee or trustees double costs of suit, for the benefit of the said estate; and the said publication shall be deemed notice thereof to all persons who may reasonably be presumed to have seen the same. And the said trustee or trustees shall also proceed to set aside, and, if necessary, by legal process, all such payments, alienations, and pledges, made by any person whose estate shall be sequestrated as insolvent, as are hereinafter particularly described, and declared to be null and void, precisely as if the money, or other property, delivered or pledged, had belonged to the said trustee or trustees at the time of the making of such payments, alienations, or pledges respectively.

What aliena-
tions, &c., null
and void.

83. And be it enacted, that every alienation, transfer, gift, cession, delivery, mortgage, or pledge of any goods or effects, moveable or immovable, personal or real, made by any insolvent, at a time when it shall be made to appear, by proof, that his liabilities, fairly calculated, exceeded his assets fairly valued, shall, unless the same shall have been made *bona fide*, and upon just and valuable considerations, be null and void. And whenever the immediate and necessary effect of any such alienation, transfer, gift, cession, delivery, mortgage, or pledge, as aforesaid, shall be to cause such an excess of liabilities over assets, then the same, to the extent to which such excess shall have been thus produced, shall be null and void.

Insolvent Law.

84. And be it enacted, that every alienation, transfer, cession, delivery, mortgage, or pledge of any goods or effects, moveable or immoveable, personal or real, and every payment made by any insolvent to any creditor, such insolvent, at the time contemplating the sequestration, either voluntary or otherwise, of his estate, and intending thereby to prefer, directly or indirectly, such creditor before his other creditors, shall be deemed to be an undue preference, and is hereby declared to be null and void. . And every such alienation, transfer, cession, delivery, mortgage, or pledge, as aforesaid, made by any insolvent to any person whatever, such insolvent, at the time contemplating, as aforesaid, the sequestration of his estate, and intending thereby to prefer, directly or indirectly, any creditor before his other creditors, shall be deemed to be an undue preference of such creditors, in so far as he shall have been benefitted thereby, and the trustee or trustees shall be entitled to recover the amount or value of such undue preference from the creditor so preferred.

What alienations, &c., and payments to creditors undue preferences.

85. And be it enacted, that every alienation, transfer, cession, delivery, mortgage, or pledge of any goods or effects, moveable or immoveable, personal or real, and every payment made by any insolvent, with the intention of thereby benefitting any person who, not being a creditor of such insolvent, would yet have become liable for the amount paid, satisfied, or secured, by the insolvent, in case it had not been so paid, satisfied, or secured, either in the character of a surety for such insolvent, or in some character by law analogous thereto, such insolvent, at the time of contemplating the sequestration, either voluntary or otherwise, of his estate, shall be deemed to be an undue preference, and the trustee or trustees shall be entitled to claim and recover from the person so intended to be benefitted, whatever amount the insolvent shall have paid, satisfied, or secured, in discharge or relief of such person's liability.

What alienations, &c., and payments for the benefit of sureties, &c., undue preferences.

86. And be it enacted, that every alienation, transfer, cession, delivery, mortgage, or pledge, as aforesaid, and every payment made by any insolvent to any creditor in the usual and ordinary course of trade or business, shall, *primâ facie*, be held and taken to have been made or given *bonâ fide*, and without an intention to give to such creditor any preference, although such insolvent may, at the time, contemplate the sequestration of his estate as insolvent, and in every such case it shall be necessary for the trustee or trustees seeking to set the same aside, to show the existence of some collusive arrangement, mutual understanding, or common consent, between the insolvent and the creditor, the one to give, and the other to get, a preference over the other creditors of the insolvent, under colour of a transaction in the usual and ordinary course of trade or business.

Alienations, &c., and payments in the usual course of trade protected.

87. And be it enacted, that every payment obtained by any creditor before the making of the order for sequestration, by means or under colour of legal process against the insolvent, shall be deemed an undue preference, and be null and void, when and as often as such payment shall have been obtained or facilitated by connivance of the insolvent, or by collusion between such insolvent and such creditor; such insolvent when so conniving or colluding contemplating the sequestration of his estate, and intending to give

Collusive executions avoided.

Insolvent Law.

such creditor, or allow such creditor to get, a preference above the other creditors of such insolvent.

Persons receiving undue preferences through collusion to forfeit their debts.

88. And be it enacted, that in every case in which any person, whether actually a creditor or not, shall be obliged, by virtue of the 84th, or 85th, or 87th sections of this Ordinance, to restore or repay as the case may be, for the benefit of the insolvent estate, any alienation, transfer, cession, delivery, mortgage, or pledge, or any payment as having been an undue preference, such person shall not be allowed to claim or prove as a debt the amount of what he shall have so restored or repaid, but shall wholly forfeit such amount as regards the insolvent estate, in case such undue preference was received by such person by or through any collusive arrangement, mutual understanding, or common consent between such person and the insolvent, the one to give and the other to get such undue preference.

Question of forfeiture, how to be tried.

89. And be it enacted, that it shall and may be lawful for the trustee or trustees of any insolvent estate in any suit or action which he may cause to be instituted against any person for the restoration or repayment of any matter, money, or thing alleged to have been given or paid by the insolvent by way of undue preference, to claim amongst other things that the defendant in such suit or action may be declared, by the judgment of the Court in which such suit or action shall be pending, to have forfeited in regard to the insolvent estate the amount in which he shall be found to have been unduly preferred by reason of the collusive arrangement, mutual understanding, or common consent in the last preceding section mentioned; and the question of such forfeiture shall be tried and determined together with the other questions in the case; and in case it shall not be necessary to institute any suit or action against persons who shall be alleged by the trustee or trustees to have been unduly preferred, the right of any such last-mentioned persons to prove a debt in respect of the amount or value of the matter, money, or thing by them restored or repaid, shall, if disputed, be determined in manner and form as is hereinbefore provided for the regulation of the proof of debts.

Certain creditors not to be obliged to restore or refund, unless indemnified.

90. And be it enacted, that in case any creditor of any insolvent shall have received from such insolvent an undue preference, but under circumstances which do not, by force and virtue of the 88th section of this Ordinance, occasion a forfeiture of the value or amount of such preference, then in case such creditor shall have received such undue preference in respect of any bill of exchange or promissory note, with recourse on other parties, which was payable by the insolvent and held by such creditors, or in any respect of any debt of the insolvent for which such creditor had any security which, by reason of the act of the insolvent constituting the undue preference, such creditor has *bonâ fide* given up, discharged, or in law precluded himself from enforcing, such creditor shall not be liable to restore or repay to the trustee or trustees the value or amount of such undue preference, unless the trustee will indemnify and save him harmless in respect of whatever loss such creditor would sustain in case he were unconditionally condemned and adjudged to restore the value or amount aforesaid, and which loss such creditor would

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not have sustained in case he had never received from the insolvent the payment or other satisfaction constituting such preference.

91. And be it enacted, that if any person shall lawfully, *bonâ fide*, and without notice purchase or acquire any bills of exchange, promissory notes, or other securities for money, or any goods or effects, moveable or immoveable, personal or real, which have been alienated, transferred, given, ceded, or delivered by any insolvent under circumstances or in a manner declared by any of the preceding or succeeding sections of this Ordinance to be null and void, from any person to whom such bills, notes, goods, or effects were so alienated, transferred, given, ceded, or delivered by any true bargain or agreement upon just and valuable consideration, nothing contained in this Ordinance shall extend, or be construed to extend, to annul or affect any right which any such person has lawfully, *bonâ fide*, and without notice purchased or acquired in such bills or notes, goods, or effects; but in all such cases the persons to whom the same were alienated, transferred, given, ceded, or delivered by the insolvent shall be bound and obliged to pay the true value of all such goods and effects by them disposed of to the third party to the trustee or trustees of the insolvent estate for the benefit of the creditors thereof.

Purchases from creditors unduly preferred protected.

92. And be it enacted, that all acquittances, surrenders, or discharges of any just debt, or of any security for any just debt, or other matter or thing, payment or delivery of which has not been actually and *bonâ fide* received, made by any insolvent while contemplating the sequestration of his estate having the effect to deprive his creditors of the benefit of any debt or other matter or thing, shall be, and are hereby declared to be, as against the trustee or trustees of such insolvent, null and void; and in every case in which the person accepting from the insolvent any such acquittance, surrender, or discharge aforesaid had, at the time of accepting the same, actual knowledge or reasonable notice that the effect of the same, if undetected, would be to deprive the creditors in the insolvent estate of the debt or other matter or thing in question, such person shall, besides making good such debt, matter, or thing to the trustee or trustees of the insolvent estate, be also bound and obliged to pay to such trustee or trustees a further sum equal to the value of the debt, or other matter or thing originally due and owing, wrongfully acquitted, surrendered, or discharged, or attempted so to be.

What acquittances, discharges of debts, or security for the same, when made by insolvent, void, and penalty upon collusion.

93. And be it enacted, that all alienations, transfers, gifts, cessions, deliveries, mortgages, or pledges of any goods or effects, moveable or immoveable, personal or real, belonging to the insolvent estate, and all payments, and all acquittances, surrenders, and discharges of any just debt due to such insolvent estate, or of any security for any such just debt, or of any other matter or thing belonging or owing to the said estate, made by any insolvent after any order for the sequestration of his estate has been made, and before the making of the order of Court allowing and confirming, as hereinafter mentioned, the account and plan of distribution to be framed by the trustees, shall be, and are hereby declared to be, null and void, the several payments and alienations which such insolvent is, by virtue of the 49th section of this Ordinance, rendered competent to make, alone excepted.

Alienations, cessions, &c., after any order of sequestration, void.

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Payment to insolvent, when void.

94. And be it enacted, that all payment or satisfaction made to any insolvent by any person who was the debtor of such insolvent at the time of the making of any order for the sequestration of the insolvent's estate, after the making such order, shall be null and void; except only, that where the sequestration of such estate shall have been adjudged at the instance of the creditors thereof, all payment or satisfaction, really and *bonâ fide* made to any such insolvent, or to any person legally entitled to receive the same on his behalf, before such sequestration has been adjudged, shall be valid and effectual, in case any such person as aforesaid making such payment or satisfaction, had not, when so doing, notice of any order for the sequestration of the estate of the insolvent having been made.

Provisions relative to preferences to apply to persons administering the estates of other persons.

95. And be it enacted, that every provision hereinbefore contained relative to what shall be deemed to be undue preferences, made by persons contemplating the sequestration of their own estates, and to the avoiding of the same, and to the forfeiture, under certain circumstances, of the amount of every such preference, shall be deemed and taken to apply, *mutatis mutandis*, to preferences given out of the assets of the estates which they administer by persons legally invested with the administration of the estates of deceased persons, and of persons legally or actually incapable of the administration of their estates, when such persons, so invested, contemplating the sequestration of the estates which they administer, and intend to prefer some one or more creditors of any such estate before the other creditors thereof.

Trustee of any such last-mentioned estate entitled to recover, either from the administrator preferring or from the creditor preferred.

96. And be it enacted, that it shall and may be lawful for the trustee or trustees of the insolvent estate of any deceased person, or of the insolvent estate of any person legally or actually incapable of the administration of his estate, to demand and recover, either from the person legally administering such estate before the sequestration thereof, and by whom any such undue preference shall have been given, out of the assets of such estate, or from the person to whom, or for whose benefit, such undue preference shall have been given, the value or amount of such undue preference, or such trustee or trustees may sue such persons successively: Provided always, that it shall not be competent for any such trustee or trustees to require the restoration, or repayment of such undue preference, or of the amount thereof, from both such persons as aforesaid concurrently, or to recover from them both, when sued successively, more than the single value or amount of such undue preference, together with the costs and charges of such trustee or trustees.

Trustees may compound or submit to arbitration upon notice thereof.

97. And be it enacted, that it shall and may be lawful for the trustee or trustees, subject to the directions of the creditors, given in the manner hereinbefore mentioned, to agree, if he or they should think fit, to any offer of composition made by any debtor of the insolvent estate who is himself insolvent, or to the certificate of any such insolvent, and to compound with any debtor to the insolvent estate, and take any reasonable part of the debt in discharge of the whole, or to give a reasonable time, or take security for the payment of such debt, or to submit any dispute between them and any person concerning or affecting the said estate to the determination of arbitrators, to be chosen by the trustee or trustees, and the party with

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whom they shall have such dispute, and the award of such arbitrators shall be binding on all the creditors: Provided always, that previous notice of their intention so to agree to any offer of composition, or to any certificate, or to compound any debt, or submit any dispute to arbitration, has been given for twenty-eight days, at least, by advertisement, in the *Government Gazette*. And for the purpose of such offer of composition or certificate, the trustees signing, if more than one, shall reckon only as one creditor in number and value.

98. And be it enacted, that the trustee or trustees shall, subject to the directions of the creditors given in manner hereinbefore provided, forthwith proceed to make sale of all the property belonging to the said estate, moveable and immoveable, giving due notice thereof in the *Government Gazette*, and also such other notice as they shall think fit: Provided, that from the sale of the said moveable property shall be excepted, until the creditors shall determine thereon, the wearing apparel, bedding, household furniture, and tools of trade, of the insolvent and his family; and provided, that the sale of all immoveable property shall take place in such manner, and under such conditions, as shall be determined on by the greater part, in number and value, of the creditors present at any meeting duly summoned: Provided, however, that such conditions shall be subject to the approval or disapproval of the Supreme Court, or of any Circuit Court, on the application of any person interested in the due administration or reversion of the estate under sequestration.

As to sale of estate by trustees, conditions of sale, &c.

Vide Law 27, 1863.

99. And be it enacted, that it shall and may be lawful for the said trustee or trustees, with the consent of the greater part, in number and value, of the creditors, who shall have proved their debts, present at any meeting whereof, and of the purpose of which twenty-eight days' notice shall have been given in the *Government Gazette*, to permit the said insolvent to retain, for his own use, the whole, or such part of his wearing apparel, bedding, household furniture, and tools of trade, excepted from the sale of his moveable property, as the said creditors shall agree to allow to the said insolvent: Provided, that every such permission shall be subject to the approval or disapproval of the Supreme or any Circuit Court, on the application of any person interested in the due administration of the estate.

As to wearing apparel, tools, &c., of insolvent.

100. And be it enacted, that it shall and may be lawful for, and shall be the duty of the creditors of any insolvent estate, at the meeting held for the election of trustees, immediately after such election in case such election shall take place at such meeting, and in case such election shall not then take place, then immediately after the votes of the said creditors in regard to such election shall have been given, to nominate and appoint some certain bank or banks within this Colony, with which bank or banks it shall be the duty of the trustee or trustees of such estate to open an account; and in case of a difference of opinion amongst the said creditors assembled at such meeting, the greater part in value of the said creditors shall determine upon the bank or banks to be so nominated and appointed as aforesaid; and from and after any such nomination and appointment of any such bank or banks, the trustee or trustees of such insolvent estate, whether chosen by the creditors or provi-

Creditors to choose a bank with which trustee shall open an account, and lodge the monies of the estate.

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sionally appointed, shall, as soon as he or they shall receive any sum of money exceeding *twenty pounds* belonging to such estate, open an account with such bank or banks in the name of the insolvent estate; and such sum, and every other sum exceeding *twenty pounds* so received by him or them shall, with all convenient speed, be paid into such bank or banks, to be placed to the credit of such account, and all checks or orders for the payment of any such money out of the said bank or banks shall truly express the cause of such payment, and the name of the person in whose favour it is drawn, and shall be signed by all the trustees, or by one of them for himself and co-trustees: Provided, that in case the creditors of any insolvent estate shall neglect in manner aforesaid to nominate any such bank or banks as aforesaid, it shall be lawful for the trustee or trustees aforesaid to open an account with and pay all such moneys as aforesaid into any such bank or banks in this Colony as he or they shall select: [* * * * *] and provided, that all trustees [* * * * *], shall, in regard to the bank or banks with which such account as aforesaid shall be kept and such moneys as aforesaid lodged, pursue such directions as they shall from time to time receive from any general meeting of the creditors of the insolvent estate.

Vide Law 7,
1866, § 1.

Vide Law 7,
1866, § 1.

Penalty upon
trustee retaining
or employing
money belonging
to the estate.

101. And be it enacted, that any trustee who shall retain in his hands, or knowingly permit any co-trustee so to retain, any sum of money exceeding *twenty pounds* sterling, part of any insolvent estate, longer than until the first day after his receiving the same upon which it shall be possible for him to pay the said sum, or cause it to be paid, into some such bank or banks as aforesaid, and who shall not have any just and lawful cause for so retaining the same, or shall employ for his own benefit, or knowingly permit any co-trustee so to employ, any sum of money part of any insolvent estate, shall forfeit and pay for the benefit of the said estate double the amount of the sum so retained or employed; and the said sum so forfeited shall be deducted out of any claim the said trustee may have against the said estate, and the surplus, if any, shall be recovered by action in any competent Court.

Accounts of the
trustees.

102. And be it enacted, that the trustee or trustees shall keep an account, wherein they shall enter all property of the insolvent received by them, and all payments made by them on account of the insolvent's estate; which account every creditor who shall have proved may inspect at all reasonable times: and it shall and may be lawful for the Master of the said Court, whenever he shall think fit, to summon the said trustee or trustees by writing under his hand, to produce the said book; and the said Master shall, as often as he shall see fit, examine and inspect the same.

Powers of
trustees in
respect of agree-
ments entered
into by insolvent
for purchase or
exchange of
immoveable
property.

103. And be it enacted, that if any insolvent shall have entered into any agreement for the purchase or exchange of any estate or interest in any immoveable property, it shall and may be lawful for the trustee or trustees of such insolvent either to abide by, execute, and sue for performance of such agreement or abandon the same; and, if the said trustees shall not (upon being thereto required) elect whether they will abide by and execute such agreement, or abandon

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the same, the vendor, or person having made such agreement as aforesaid, or any one legally claiming under him, shall be entitled to apply, by motion, to the Supreme Court, or to any Circuit Court, who may thereupon order the trustees to deliver up any such agreement, and the possession of the premises, to the vendor or person so agreeing as aforesaid, or any one claiming under him, or may make such other order therein, as the said Court shall think fit: Provided, that nothing herein contained shall prevent such vendor, or person having made such agreement as aforesaid, from suing the trustee or trustees in any competent Court, and recovering judgment against the insolvent estate, for any damage which he shall prove, to the satisfaction of such Court, to have been by him sustained by the non-fulfilment, on the part of the insolvent, of any such agreement, or deprive the said trustee or trustees of their legal defence against such suit.

104. [Repealed by Law 27, 1863, § 1.]

105. And be it enacted, that no person, from whom any insolvent shall have purchased any property, moveable or immovable, personal or real, and who shall have delivered, or caused or permitted such property to be delivered, to such insolvent, shall be entitled either to claim such property being in the sequestrated estate, or to claim to be preferred, in any way, for the price or value thereof, by reason alone that such property was sold by such person to such insolvent, without any period having been stipulated, until the expiration of which period the price shall not be payable, or upon any actual agreement or tacit understanding that such price should be paid or payable forthwith: Provided, that nothing herein contained shall be deemed or taken to alter or affect any previous law in force in this Colony in regard to the right of a vendor to rescind any sale and reclaim his property on account of fraud and circumvention practised upon him by the purchaser, except only in so far as the matters aforesaid, hereby declared to be of themselves not sufficient to entitle any such vendor to claim again property sold and delivered, shall have been deemed to amount to or to be conclusive evidence of such fraud and circumvention; and provided also, that nothing herein contained shall apply to any case in which any such vendor shall, within three days of the delivery of any property sold as aforesaid, reclaim, by notice in writing, the possession of the said property, and proceed thereafter without any unnecessary delay to enforce the re-delivery of the said property by means of legal process.

Certain vendors not to be entitled to reclaim property found in the estate.

106. And be it enacted, that if, at the third public meeting of the creditors appointed by the [trustee or trustees] as aforesaid, or at any subsequent meeting of the creditors assembled together by advertisement in the *Government Gazette* stating the purpose of such meeting, the insolvent, or any person on his behalf, shall make an offer of composition, or security for composition, which nine-tenths of the creditors in number and value assembled at such meeting shall agree to accept, the trustee or trustees shall forthwith call another meeting for the purpose of deciding upon such offer, whereof at least forty-two days' notice shall be given by advertisement in the *Government Gazette*, specifying the time, place, and

Time and mode of offering composition by the insolvent, or on his behalf, and proceedings thereon.

Vide Law 7. 1866, § 2.

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purpose of such meeting; and if at such second meeting nine-tenths in number and value of the creditors then present shall also agree to accept such offer, then, upon such acceptance being certified to the Supreme Court by the Master of the said Court, and upon oath of the insolvent that he has made a full and fair surrender of his estate, and has not granted or promised any preference or security, or made or promised any payment, or entered into any secret or collusive agreement or transaction, to obtain the concurrence of any creditor to the said offer of composition, it shall be lawful for the said Court, upon motion, to pronounce, if it should so think fit, a decree discharging the insolvent from all debts due by him at the time his estate was surrendered or adjudged to be sequestered, and from all claims and demands proved or hereby made proveable or claimable against his estate, and declaring the sequestration at an end, and the insolvent re-invested with his estate; but reserving, however, always the claims of the creditors for such composition or security for composition as may have been agreed for and be still unexecuted: Provided, that at least twenty-one days' notice of the day on which such motion as aforesaid is to be made shall have been given by advertisement in the *Government Gazette*, and that the said Court shall hear any objection which may be made by any creditor against the pronouncing of such decree, and shall determine thereupon as the justice of the case shall require: Provided also, that if the creditors present at any such second meeting as aforesaid and agreeing to the offer of composition do not amount in number and value to four-fifths in number and value of the whole of the creditors who have proved debts against the insolvent estate, then the acceptance of such offer of composition by at least four-fifths in number and value of such last-mentioned creditors must be certified to the said Court by the said Master at the time of the making of the said motion: and provided, that nothing in this section contained shall be construed so as to affect the right of any creditor entitled by law to be paid in preference, in so far as such creditor shall be so entitled, unless such creditor shall expressly consent to give up his preference and be bound by the said composition; and no creditor by accepting any such offer of composition shall be deprived of his right to claim from any person bound to him as surety for the insolvent the balance of the debt secured: and provided that the Court aforesaid shall not in any case pronounce the decree aforesaid until it shall be satisfied that no injury or injustice will thereby be done to any person who has been allowed by the said Court to enter a claim upon the insolvent estate, and who shall not, at the time of making such motion as aforesaid, have yet proved his debt, and until the said Court shall have made or caused to be made inquiry, by taking the oath of the insolvent or otherwise, whether there are not other creditors having just and lawful debts and claims against the estate of such insolvent, and who, by reason of absence from the Colony or other causes may not have proved or claimed against the said estate; and provided, that if upon such inquiry it shall appear to the said Court that there are such just and lawful debts and claims, it shall not be competent for the said Court to pronounce such decree as aforesaid until it shall

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have been certified to such Court by the said Master that there has been paid to or deposited with him, or to or with some other person or persons with his approbation, for and on account of such other just and lawful creditors as aforesaid, whatever amount according to the terms of the composition they would have been entitled to receive in case they had proved their debts; and provided that no sum of money, or other matter or thing which shall be impounded, or secured for any person who has entered a claim upon the insolvent estate, or any such creditor as last aforesaid, shall after any discharge of the insolvent as in this section provided, revert to such insolvent; but the same, in case the person or persons on whose behalf it was so impounded or secured shall not, within such reasonable time as the Supreme Court shall fix, prove title to and claim the same, shall be ordered by the said Court, upon the motion of any person interested, to be divided rateably amongst the remaining creditors and claimants, the costs of the motion last mentioned being first deducted and paid to the party making the same.

107. And be it enacted, that it shall and may be lawful for the Supreme Court, upon the application of any insolvent, to release, if it should so think fit, the estate of such insolvent from sequestration, whenever it shall be certified to the said Court by the Master of the said Court that all creditors who have proved debts or entered claims against such estate have testified in writing their consent to such release, or whenever it shall be certified by the said Master that all the creditors who have proved debts or entered claims as aforesaid have been paid, or have had tendered to or deposited for them as the case may be, the full amount, as well principal as interest, of their several demands: Provided, that no such application to release any such estate from sequestration under the provisions of this section shall be capable of being granted until after the third meeting of creditors as hereinbefore mentioned shall have been held; and provided, that it shall be lawful for the said Court, before granting any such application as aforesaid, to make or cause to be made such inquiry relative to the existence of other just and lawful creditors who have neither proved nor claimed, as in the last preceding section mentioned, and thereupon to grant or refuse such application, and that either absolutely or conditionally as to the said Court shall seem just; and provided, that no such release as aforesaid shall be construed to be a discharge of the insolvent, or to alter or affect in any way the rights of any creditors of any such insolvent who have neither proved debts nor entered claims upon the insolvent estate, which rights shall be judged of after any such release exactly as if such estate had never been surrendered.

When all creditors consent, or have been satisfied, estate may be released from sequestration.

108. And be it enacted, that the trustee or trustees of any insolvent estate shall, as soon as may be, and not later than six months after their appointment, unless upon application to the Supreme Court, upon sufficient cause to the satisfaction of the said Court, further time be given for that purpose, frame and lay before the Master of the said Court, an exact account and balance of the said estate, containing the proceeds of all sales and debts then collected, and an account of all debts still outstanding, and an inventory of all property and effects still unsold, and also all debts due by the said

Account and plan of distribution, and when to be laid by trustees before the Master.

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estate; and shall also form a general plan for distribution of the assets of the said estate, specifying, first, such creditors as are preferred by law, in the order of their legal preference, and, secondly, the concurrent creditors, and, as nearly as may be, the probable balance which will remain for division amongst them. And when, and as often, as the usual place of residence of any insolvent shall be in any District of this Colony, other than Capetown and the District thereof, or the Cape Division, the trustee or trustees of that insolvent shall, before laying the account and plan aforesaid before the said Master, lay the same before the Resident Magistrate of such District, in whose office it shall remain, for the inspection of creditors, for at least seven days; and every such Resident Magistrate shall cause to be affixed in some public place in or about his said office, a list of all insolvent estates in which such account and plan as aforesaid remains, for the time being, for inspection, together with the date of its intended transmission.

As to inspection,
and notice
thereof.

109. And be it enacted, that as soon as the Master shall receive from the trustees any such account of the estate and plan for distribution, the same shall lie open in his office for the inspection of the creditors, a reasonable time, to be appointed by the said Master, not being less than fourteen days from the advertisement thereof, according to the distance from Capetown of the residence of any creditor who has proved a debt against the said estate; and the said trustee or trustees shall cause notice thereof to be given in the *Government Gazette*, and that the Supreme Court will thereupon be moved to confirm and allow the said account and distribution of the estate.

As to objections
of creditors
thereon.

110. And be it enacted, that it shall and may be lawful for the insolvent, or any party interested in the estate under sequestration, and for any creditor who may conceive himself aggrieved by the said plan of distribution, within the time aforesaid, to enter his objection, in writing, with the said Master, stating the grounds thereof; and also, it shall and may be lawful for the Supreme Court to permit such objection to be entered at any time before the final confirmation of the said plan, upon sufficient cause to be shown to the satisfaction of the said Court, and upon such terms as the said Court shall impose.

As to proceedings
before the
Court thereon.

111. And be it enacted, that any person objecting to the said account, or plan of distribution, shall apply to the Supreme Court, on motion, calling upon the trustees, and also upon the party whose interest might be affected thereby, to show cause why the said plan should not be altered or amended, as the case may be; and thereupon it shall and may be lawful for the said Court, upon hearing the said parties, to make such order thereon as to the said Court shall seem fit: Provided, that when any alteration or amendment shall be ordered in the said plan, whereby the interest of any party, who has not made appearance in the said Court, shall be affected, the same shall again lie open for inspection of the creditors, and notice thereof shall be given as aforesaid.

As to confirma-
tion by the
Court, and effect
thereof.

112. And be it enacted, that it shall and may be lawful for the trustee or trustees, after the expiration of the time appointed for the inspection of the said account and plan of distribution, and no objection being entered thereto, or if any objection has been stated,

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after the Court has made order thereon, as aforesaid, to apply to the Supreme Court, on motion, praying that the said plan may be allowed and confirmed by the Court; and thereupon it shall and may be lawful for the said Court to allow and confirm the same; and such allowance and confirmation shall have the effect of a final sentence of the said Court, except against such creditors as shall afterwards be admitted by the said Court, in manner hereinbefore provided, to prove their debts, and rank upon the said estate at any time before the final distribution thereof.

113. And be it enacted, that after confirmation and allowance of the said account and plan of distribution, the trustees shall, upon the demand of the said creditors, distribute the said estate according thereto, and the remedy of any creditor to obtain payment of, and dividend due to him shall be, during the continuance in office of the said trustee or trustees, to the Supreme Court, or any Circuit Court, by motion.

As to distribution of estate.

114. And be it enacted, that if it shall, from the nature and circumstances of the insolvent estate, be found impracticable to frame the plan of distribution aforesaid, so as to arrange the distribution according thereto, of the whole of the insolvent estate, then the trustee or trustees shall, as soon as may be, after the allowance and confirmation of the said plan, and not later than six months after such allowance and confirmation, unless upon application to the Supreme Court, upon sufficient cause to the satisfaction of the said Court, further time be given for that purpose, frame, and lay before the Master, a scheme of division which shall contain an account of such of the matters hereinbefore required, in regard to the account and plan of distribution in the 108th section of this Ordinance mentioned, as the then state and condition of the assets of the insolvent estate shall permit, and shall duly apportion the funds in hand amongst the creditors, and the like proceedings, in all respects, shall be had and taken relative to the said scheme of division, as are hereinbefore prescribed in regard to the said account and plan of distribution, and after the allowance and confirmation of such scheme of division, the dividends declared thereby shall be distributed, and there shall be the like remedy as aforesaid for obtaining the same; and if it shall happen that the whole of any insolvent estate shall not be included in one such scheme of division as aforesaid, then, as soon as may be after the framing of the same, but not later (except as hereinbefore excepted) than six months after the date on which the six months above fixed, for the framing of the first scheme of division, shall have expired, a second such scheme of division shall, in like manner and form, be framed, and proceeded on, and so on from six months, until the whole estate shall have been wound up, and finally distributed.

Scheme of division, what and when to be framed.

115. [* * * * *]

Vide Ord. 24, 1846, § 2.

As to resignation and discharge of trustees.

116. And be it enacted, that when any trustee desires to resign his office, or so soon as the plan of distribution of the insolvent estate has been confirmed, it shall be lawful for such trustee to apply to the Supreme Court, by motion, for leave to resign his office, and to be discharged and acquitted of the said trust; and if no valid

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objection be stated, and if the Court be satisfied that the trustee has complied with the regulations of this Ordinance so far as regards him, his application may be granted by the said Court; but if any objection be stated thereto, the Court shall proceed to determine the same in a summary manner, and shall make such order thereon as they shall think fit; and if the application of the trustee for leave to resign be granted, the said Court shall thereupon make such order as they shall see fit for the preservation and administration of the estate until a new trustee be chosen and confirmed, and for the discharge and acquittance of the said trustee, and for the security and payment of any unclaimed dividends to the parties entitled to the same: Provided always, that no order of the said Court allowing the said trustee to resign shall prevent the trustee thereafter chosen and confirmed in his stead from calling upon him to account for any part of his conduct as trustee prior to his resignation; and provided always, that before making any application for leave to resign, the trustee shall make out a full statement of his accounts, and of the situation of the insolvent estate, and shall call a meeting of the creditors to consider the same, of which meeting at least twenty-eight days' notice shall be given by advertisement in the *Government Gazette*, intimating the purpose of the meeting, and also that the aforesaid statement will in the meantime lie open for their inspection in the office of the Master of the Supreme Court.

117. [Repealed by Law No. 27, 1863, § 1.]

Fraudulent insolvent not entitled to certificate; and, if obtained by him it shall be void.

118. And be it enacted, that if any insolvent shall have committed any act herein declared to amount to the crime of fraudulent insolvency, such insolvent shall not be entitled to his certificate or allowance; and any certificate and allowance which such insolvent may have obtained shall be null and void.

Contracts, &c., to persuade creditors to compound, or to sign certificate, void.

Vide Law 27, 1863, § 19.

119. And be it enacted, that all preferences, gratuities, securities, or payments, granted, made, or promised, by any insolvent, to, or in trust for any creditor of such insolvent, and all secret and collusive agreements and transactions intended to persuade any such creditor to accept any offer of composition, or security for composition, or to consent to sign such certificate, shall be, and are hereby declared to be, null and void; and any creditor who shall have received any money, matter, or thing, or promise of the same, as a consideration for, or inducement to, such creditor to accept any such compensation, or sign any such certificate as aforesaid, shall forfeit a sum equal to the amount of whatever debt such creditor originally proved upon the insolvent estate, together with the amount of whatever money, matter, or thing he may have received from such insolvent, as such consideration or inducement as aforesaid, and also the amount of any composition which may have been paid or secured to such creditor; and all such moneys, matters, or things hereby declared to be claimable or recoverable from any such creditor, shall and may be sued for and recovered in any competent Court, by any person who was a creditor of such insolvent estate at the time of the acceptance of any such composition, or the signing of any such certificate, for the use and benefit of such person jointly with that of all such other persons who were also creditors at the time aforesaid, as shall, within twenty-eight days after a public notice in the *Government Gazette*,

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signed by the person purposing to sue, join and concur in the bringing of such suit, and agree to contribute to the expense thereof; but no such notice need set forth the name of the party intended to be sued, or state more than that legal proceedings are intended to be taken under this section, in a certain case, of which the particulars may be learned from the person signing the said notice.

120. And be it enacted, that every such certificate, when allowed by the Supreme Court, shall have the effect to discharge the insolvent from all debts due by him at the time his estate was surrendered, or adjudged to be sequestrated, and from all claims or demands proved, or hereby made proveable, or in any manner claimable, against his estate; but no such certificate, and allowance thereof, shall have effect to release or discharge any person who was partner with such insolvent at the time of his insolvency, or who was then jointly bound, or who had made any joint contract with such insolvent, or who was a surety for him.

Effect of certificate and allowance thereof.

121. And be it enacted, that in every case any residue of the insolvent estate which may remain after the payment of all claims thereupon, shall be paid to the insolvent or his legal representatives, to whom shall also be restored the property of, and in all debts and assets belonging to the estate which may, after the satisfaction as aforesaid, of all claims, remain or be outstanding.

Insolvent or representatives entitled to residue of estate.

122. And be it enacted, that any trustee becoming insolvent, and being indebted to the estate of which he was trustee, in respect of any sum of money improperly retained or employed by him, if he shall obtain his certificate and allowance thereof, shall not be discharged thereby, as to his future effects, in respect of the said debt, and such insolvent shall be for ever incapable of being again elected a trustee under this Ordinance.

Insolvent trustee not discharged from debt, and declared incapable of ever being again elected.

123. And be it further enacted, that any insolvent, who, after his certificate has been allowed, shall have any action brought against him for any debt, claim, or demand, due by him at the time his estate was surrendered or adjudged to be sequestrated, proved, or hereby made proveable, or in any manner claimable, against his estate, may plead in general that the cause of action accrued before he surrendered his estate, or the same was sequestrated as aforesaid, and may give this Ordinance and the special matter in evidence; and such insolvent's certificate, and allowance thereof, shall be sufficient evidence of the insolvency, surrender, or adjudication, and other proceedings precedent to the obtaining the said certificate and allowance thereof; and if any such insolvent shall be taken in execution, or detained in prison for such debt, claim, or demand, where judgment has been obtained before the allowance of his certificate, it shall be lawful for any Judge of the Court, wherein judgment has been obtained, or for any Judge of the Supreme Court, on such insolvent's producing his certificate and allowance thereof, to order any gaoler or officer who shall have the said insolvent in custody by virtue of the said execution, to discharge him therefrom, so far as regards such estate, without exacting any fee from the defendant, and the said gaoler or officer shall be, and is hereby, indemnified for so doing.

Mode of pleading certificate, and of obtaining discharge from imprisonment thereon.

Vide Law 27, 1863, § 20.

124. And be it enacted, that at any time after the plan for distribution of any insolvent estate has been confirmed in manner here-

As to civil imprisonment of uncertificated

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insolvent, and
proceedings
thereon.

inbefore mentioned, or after the distribution of the said estate has been directed to be made, under the provisions of the 25th clause of this Ordinance, and before the insolvent shall have obtained his certificate, and allowance thereof, it shall and may be lawful for the trustees, or any creditor of the said estate, to apply to the Supreme Court, or any Circuit Court, by motion, for the process of the said Court for the civil imprisonment of the said insolvent: Provided, the said insolvent shall first have been duly summoned to appear before such Court, on the day whenever the said motion shall be made, to show cause why process of civil imprisonment should not be issued against him, and thereupon, and upon proof, to the satisfaction of the said Court, that the said estate is not sufficient to discharge the debts proved or proveable against the said estate as aforesaid, it shall and may be lawful for the Court to which such application shall be made, to grant the same absolutely or conditionally, or to refuse the same, as to the said Court shall seem just: Provided, that when the application for civil imprisonment has been made by one or more creditors, and the said Court shall suspend the same, upon the condition of the insolvent paying any sum of money, such payment shall be made to the trustees, or to the Master of the Court, as the case may be, for the benefit of the creditor or creditors making the application, and of such other creditors as shall, before distribution, claim to be admitted to a share thereof.

Insolvent may
apply for per-
sonal protection,
and proceedings
thereupon.

125. And be it enacted, that at any time after the plan for distribution of any insolvent estate has been confirmed in manner hereinbefore mentioned, or after the distribution of the said estate has been directed to be made under the provisions of the 25th clause of this Ordinance, and before the insolvent shall have obtained his certificate and the allowance thereof, it shall and may be lawful for any insolvent to apply to the Supreme or any Circuit Court by motion for a decree of such Court, declaring such insolvent not liable to process of civil imprisonment for or in respect of any debt, claim, or demand proved or proveable or in any manner claimable against the insolvent estate: Provided, that at least six weeks' notice of the day on which such motion is to be made shall have been given by advertisement in the *Government Gazette*, and, upon the making of such motion, any creditor of the insolvent estate who has not been fully paid and satisfied may be heard against making the said decree; and such Court having regard to the conformity of the insolvent to the provisions of this Ordinance, and to his conduct as well before as since the sequestration of his estate, and to his ability to pay from time to time, or otherwise, any sum or sums of money for the benefit of such creditors as aforesaid, and generally to the justice of the case, shall judge of any objection against the making of such decree, and either find the insolvent entitled thereto and make the same, or refuse or suspend the making thereof, or annex such conditions thereto as circumstances shall render just; and every such decree, declaring any insolvent not liable to the process of civil imprisonment in respect of any of the matters aforesaid, shall have the same effect in protecting his person from such process as his certificate and the allowance thereof would have had; but no such decree shall have any effect whatever either

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upon the assets of the insolvent estate or upon the right and power of any such creditor to proceed, in manner and form as hereinafter mentioned, against the future acquired property of such insolvent (so long as he shall remain without his certificate and the allowance thereof) in order to obtain payment of his debt: Provided, that upon cause shown to the satisfaction of such Court, establishing that any such decree as aforesaid was fraudulently or unduly obtained, it shall be competent for such Court to recall the same, and thereupon the condition of the insolvent shall be judged of precisely as if it never had been made.

126. And be it enacted, that from and after the making of the decree aforesaid, confirming the account and plan of distribution of the insolvent estate aforesaid, the insolvent, although he shall not have obtained his certificate, and the allowance thereof, shall be competent to acquire and possess, for his own use, and as his own property, all such goods and effects, moveable or immoveable, personal or real, as may be purchased or acquired by him, or may revert, descend, or be devised, or come to him in manner whatsoever, other than by virtue of any right of reversion which was vested in the insolvent at the date of the order for the sequestration of his estate, precisely as if the estate of such insolvent had never been placed under sequestration.

After confirmation of account and plan of distribution, insolvent, though uncertificated, competent to acquire property.

127. And be it enacted, that in every case in which any insolvent shall not have obtained the allowance of his certificate as hereinbefore mentioned, it shall and may be lawful for the trustee or trustees of the insolvent estate, should any such be, or for the Master of the Supreme Court, or for any creditor of the insolvent estate, to whom it shall appear, by such account and plan as aforesaid, or any such scheme of division as aforesaid, that any portion of his debt is still due and owing, to apply to the Supreme Court, or any Circuit Court, by motion, of which notice shall be given to said insolvent, for leave to issue execution against such insolvent, for any sum not exceeding the whole amount of the deficiency which shall, at the time of making such application, exist in the insolvent estate; and the said Court, upon being satisfied, by affidavit or otherwise, that a certain deficiency does so exist, and that there are reasonable grounds for believing that there are assets belonging to the insolvent capable of satisfying the same, wholly or in part, shall allow a writ of execution to be issued, and such writ of execution shall be executed in the like manner as writs of execution issued upon judgments of the said Court, and every attachment or levy made thereunder, and every incident belonging thereto, as well in regard to the right of other writs of execution lodged in the hands of the Sheriff, or other proper officer of the law, to share in the proceeds levied and made, as otherwise shall be judged of upon the same principles which do, or shall, by law, belong to ordinary writs of execution; and the proceeds of every execution, levied under the provisions of this section, shall be paid by the Sheriff, or other proper officer of the law, to the trustee or trustees of the insolvent estate, if such there be, or, if there be none such, to the Master of the Supreme Court; and every such payment, by the said Sheriff, or other proper officer of the law, shall be deemed in law to be the distribution of the proceeds of the writ of

Future property of uncertificated insolvent, how to be made available to creditors.

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execution, and the amount of any such proceeds of the writ of execution, and the amount of any such proceeds which shall be so paid to any such trustee or trustees, or to the said Master, after deducting thereout any costs which shall have been properly incurred by the party realising the same, shall be divided amongst all such creditors of the insolvent estate as shall, before the distribution thereof, claim to be admitted to participate in the same: Provided, that the said trustee or trustees, or the said Master, as the case may be, shall distribute such proceeds rateably and proportionably amongst the creditors so claiming, except that, if the said proceeds shall have arisen out of an execution issued at the instance of any concurrent creditor, such creditor shall receive a dividend greater by five shillings in the pound, than that receivable by any other creditor of equal rank; and if by reason of their being preferent creditors in the said estate, or from any other cause the said recompense shall be deemed inadequate, it shall be lawful for the Master of the Supreme Court to award to such concurrent creditor such reasonable commission in lieu thereof as he shall think fit, subject to an appeal to the Supreme Court: Provided also, that no division of such proceeds shall be made by any such trustee or trustees, or by the said Master, until after twenty-one days' previous notice shall have been given in the *Government Gazette*.

Uncertificated
insolvent may
surrender new
estates.

128. And be it enacted, that it shall and may be lawful for the Chief Justice of this Colony, or any other of the Judges of the Supreme Court, to accept, if he shall see cause so to do, the surrender of the estate of any insolvent who shall not have obtained his certificate and the allowance thereof at any time after the making of the decree of Court confirming the plan of distribution as aforesaid, and the estate of any such insolvent may be adjudged to be sequestrated at the instance of his creditors, as well those whose debts remain unsatisfied from any former sequestration (if there shall have been more sequestrations than one), as those whose debts have been incurred since the making for the last time of such decree as aforesaid, precisely as if the estate of such insolvent had never been placed under sequestration.

Compulsory
sequestration
against uncertifi-
cated insolvent.

129. And be it enacted, that in addition to the several matters and things hereinbefore mentioned and declared to be respectively acts of insolvency, all of which are hereby declared to be applicable to the case of every such insolvent as is in the last preceding section mentioned equally with every other person, the suffering of any attachment to be laid on under and by virtue of any writ of execution issued under and by virtue of the 127th section of this Ordinance, and the subjecting himself by any such insolvent to the issuing against him of the process of civil imprisonment under and by virtue of the 124th section of this Ordinance, shall be deemed to be respectively acts of insolvency in the case of every such insolvent as aforesaid, and shall entitle any creditor or creditors whose debt or debts is or are of the competent amount, and has or have accrued since the making of the last decree confirming such account and plan of distribution as aforesaid, to petition in manner and form as by this Ordinance is provided to have the estate of such insolvent as aforesaid sequestrated for the benefit of his creditors. But no order

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for sequestration issued in regard to the estate of any such insolvent shall discharge or affect any process of civil imprisonment which may have been issued under and by virtue of the 124th section of this Ordinance, unless the Chief Justice or other Judge making such order should, as he is hereby authorised to do, otherwise direct.

130. And be it enacted, that as often as the estate of any insolvent remaining as aforesaid uncertificated shall be again sequestered as insolvent, the creditors under any former sequestration shall prove debts, and rank upon the insolvent estate for whatever balance shall still be due and owing to them respectively according to the nature of their respective debts, whether preferrent or concurrent, just as if the last order for sequestration had been the only such order ever issued.

131. And be it enacted, that in determining all questions relating to undue preferences given by any insolvent remaining as aforesaid uncertificated, and the proceedings thereon and the consequences thereof, the creditors under any former sequestration and those who have first become such since the making of the last decree confirming the account and plan of distribution shall be considered as one body, and without difference of distribution except in so far as, in particular cases, the circumstances of the one class of creditors or of the other may affect as matter of evidence the application of the principles hereinbefore in regard to such questions aforesaid stated and set forth.

132. And be it enacted, that the Master of the Supreme Court shall cause to be published in the *Government Gazette*, once every three months, for general information, two lists, alphabetically arranged, the first showing the name and residence of every uncertificated insolvent in whose estate the account and plan of distribution aforesaid shall not have been confirmed, together with the date of the order for the sequestration of the estate of such insolvent; and the second showing the name and residence of every uncertificated insolvent in whose estate such account and plan as aforesaid shall have been confirmed, together with the date of the decree confirming the same; and the charge of publishing such lists in the said *Gazette*, as well as of inserting all such notices as are hereinbefore directed to be given by the Master of the Supreme Court by advertisement in the said *Gazette* shall be defrayed by Government.

133 & 134. [* * * * *]

135. And be it enacted, that the Master of the Supreme Court shall enter of record and have the custody of all proceedings relating to any insolvency under and by virtue of this Ordinance; and the insolvent or any creditor who has proved shall, at all reasonable times, have inspection of the same and be permitted to take extracts or copies therefrom; and extracts of such proceedings, signed by the said Master, shall be received as evidence in all Courts of Justice within the Colony.

136. And be it enacted, that whenever it shall be made to appear to the Supreme Court or any Circuit Court that the Master of the said Court or Resident Magistrate, as the case may be, is prevented by illness or any unavoidable cause from holding any meeting under

Ranking of old and new creditors on insolvent estate, in case of a new insolvency.

Rule as to undue preferences by uncertificated insolvent.

Alphabetical lists of uncertificated insolvents to be published in the "*Government Gazette*" every three months.

Vide Ord. 24, 1846, § 2.

As to records of proceedings under the Ordinance.

Special Commissioner, upon illness, &c., of Master or Resident Magistrate.

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the provisions of this Ordinance, it shall and may be lawful for the said Court to appoint a Commissioner for the special purpose of holding such meeting, who shall have for the purpose of such meeting the same powers and authorities as are by this Ordinance given to the said Master or Resident Magistrate in like cases; and failing such appointment, the chief clerk of any Resident Magistrate is hereby authorised to exercise for the purpose of any such meeting the powers and authorities of such Magistrate.

Vide Ord. 24,
1846, § 2.

Court to make
rules, &c.

137. [* * * * *]

138. And be it further enacted, that it shall and may be lawful for the Supreme Court, from time to time as they shall think fit, to make such rules, orders, and regulations for carrying this Ordinance into effect, and also touching the form and manner of proceeding under the same, as to the said Court shall seem fit.

Vide Ord. 24,
1846, § 2.

139. [* * * * *]

God save the Queen !

Given at the Cape of Good Hope, this 24th day of October, 1848.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed) J. MOORE CRAIG,
Acting Clerk of the Legislative Council.

ORDINANCE No. 25, 1846.

Ordinance for regulating the payment of the Expenses of Witnesses attending to give evidence on Criminal Trials and Preparatory Examinations within the District of Natal.

Repealed by Law 33, 1865, § 1.

ORDINANCE No. 26, 1846.

Ordinance for preventing the Mischiefs arising from the Printing and Publishing within the District of Natal of Newspapers and Papers of a like nature by persons not known, and for regulating the printing and publication of such papers in other respects; and also for restraining the abuses arising from the publication in the said District of Blasphemous and Seditious Libels.

Repealed by Law 9, 1858, § 1.

Rules of Court.

ORDINANCE No. 32, 1846.

(Signed) P. MAITLAND.

Ordinance for amending the Law regarding certain Rules of Court.

1. WHEREAS by the 46th clause or section of the Letters Patent of His late Majesty King William the Fourth, commonly called the Royal Charter of Justice, bearing date the 4th day of May, in the second year of his reign, it was ordained and directed that it should and might be lawful for the Supreme Court of this Colony, acting in manner and form as is in the said section prescribed, to frame, constitute, and establish rules, orders, and regulations touching and concerning the several matters and things in the said section set forth, relating to the proper conduct and despatch of business in the Supreme and Circuit Courts respectively; and whereas, by the 29th section of the Ordinance No. 14, 1845, entitled, "Ordinance for erecting a District Court in and for the District of Natal," it was enacted and declared that it should and might be lawful for the District Court by the said Ordinance erected, acting in manner and form as is in the said section prescribed, to frame, constitute, and establish rules, orders, and regulations of the same nature or for the same purposes in regard to the said District Court as the certain other rules, orders, and regulations by the section aforesaid of the Charter of Justice are empowered to be made in regard to the said Supreme and Circuit Courts respectively; and whereas rules, orders, and regulations of the said Supreme and Circuit Courts respectively have from time to time been duly framed, constituted, and established, and afterwards duly allowed, and are now in full force and operation within the said Courts respectively; and whereas the District Court of Natal did some time since frame, constitute, and establish, under and by virtue and according to the provisions of the hereinbefore in part recited section of the Ordinance No. 14, 1845, aforesaid, certain rules, orders, and regulations which were afterwards transmitted, as by the said section required, to Her Majesty the Queen for her approbation or disallowance; and whereas Her said Majesty has been graciously pleased to refrain from either approving or disallowing the said last mentioned rules, orders, and regulations, and has instructed the Governor of this Colony to propose to the Legislative Council thereof to amend the law as contained in the said 29th section of the said Ordinance No. 14, 1845, in such a manner as to render the confirmation by means of an Ordinance of the said Council of every such rule, order, or regulation as aforesaid requisite and necessary before the same shall take effect or have the force of law; and whereas it is expedient to confirm, by Ordinance, the rules, orders, and regulations aforesaid of and for the District Court of Natal, and to amend, in accordance with the spirit and intent of the instructions aforesaid, the law relating to the mode in which the rules, orders, and regulations of the Supreme and Circuit Courts aforesaid and of the said District Court respectively shall hereafter be framed, constituted, and established:

Preamble.

Vide Law 10,
1857.Vide Law 10,
1857.

Rules of Court.

The 46th section of the Charter of Justice and the 29th section of Ordinance No. 14, 1845, repealed.

Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that the 46th section of the Letters Patent aforesaid, and the 29th section of the Ordinance No. 14, 1845, aforesaid, and any other law or usage repugnant to or inconsistent with any of the provisions of this Ordinance shall be repealed, and the same are hereby repealed accordingly: Provided always, that such repeal shall not extend, or be taken or construed to extend, so as to impair or affect the validity of any rules, orders, or regulations of or for the said Supreme or Circuit Courts respectively in force or operation at the time of the commencement and taking effect of this Ordinance, which rules, orders, or regulations shall be deemed and judged of precisely as if this Ordinance never had been passed.

Made in which rules of the Supreme Court may be proposed and enacted.

2. And be it enacted, that it shall and may be lawful for the Judges of the Supreme Court, from time to time, to frame, and transmit to the Governor of this Colony, or officer, for the time being, administering the government thereof, in order to their being (if approved of) proposed for enactment, all such rules, orders, and regulations as the said Judges shall deem proper to be enacted, touching and concerning the time and place of holding the said Supreme Court, and touching the forms and manner of proceeding to be observed in the said Supreme and Circuit Courts respectively, and the practice and pleadings upon all actions, suits, and other matters, both civil and criminal, indictments and informations, to be therein brought; the appointing of Commissioners to take bail and examine witnesses; the examination of witnesses, *de bene esse*, and allowing the same as evidence; the proceedings of the Sheriff, and other ministerial officers of the said Supreme and Circuit Courts respectively; the process of the said Courts, and the mode of executing the same; the summoning, impannelling, and challenging of jurors; the admission of barristers, advocates, attornies, solicitors, and proctors; the fees, poundage, or perquisite, is to be lawfully demanded by, and payable to, any officers, attornies, solicitors, and proctors, in the said Courts respectively; and touching and concerning all such other matters and things, as to the said Judges shall appear necessary for the proper conduct and dispatch of business in the said Supreme and Circuit Courts respectively; and when and as often as the said Judges shall deem it expedient that any existing rule, order, or regulation, should be revoked, altered, amended, or renewed, it shall and may be lawful for them to suggest to the said Governor, or officer administering the government, such revocation, alteration, amendment, or renewal. ⁽¹⁾

Made in which rules of the District Court of Natal may be proposed and enacted.

Vide Law 10, 1857.

3. And be it enacted, that it shall and may be lawful for the Recorder of the District of Natal, to frame and transmit to the Lieutenant Governor of the said District, or officer, for the time being, administering the government thereof, in order to their being, by the Lieutenant Governor, or officer, as aforesaid, forwarded to

⁽¹⁾ This clause refers to the Courts at the Cape

Rules of Court.

the Governor of this Colony, for the purpose of being (if approved of) confirmed by an Ordinance of this Council, rules, orders, and regulations for the District Court of Natal, touching and concerning all or any of the objects, matters, and things, in the last preceding section mentioned and set forth, with reference to the Supreme and Circuit Courts aforesaid, respectively; and provided also, that it shall be competent to and for the said Recorder to suggest to the said Lieutenant Governor, or officer administering the government as aforesaid, the revocation, alteration, amendment, of any of the rules, orders, or regulations in force, for the time being, or the renewal of any of the same before then established, but needing to be renewed.

4. And be it enacted, that no such rule, order, or regulation, as in the second or third section of this Ordinance mentioned, which rule, order, or regulation shall not, at or before the time of the commencement and taking effect of this Ordinance, have been sanctioned or allowed by Her Majesty the Queen, or by his late Majesty King William the Fourth; and no revocation, alteration, amendment, or renewal of any now existing rule, order, or regulation, or of any rule, order, or regulation in the schedule to this Ordinance contained, shall have or possess any force or authority, or take effect as law, unless and until the same shall first have been confirmed, established, and enacted, by some Ordinance duly made and passed, by the Governor of this Colony, with the advice and consent of the Legislative Council thereof, or by some act or instrument of Her said Majesty, her heirs or successors, done or made with the advice and consent of Parliament, or by her or them in her or their Privy Council, or in some other manner or form having the force of law: Provided always, that nothing in either of the said second and third sections contained, shall extend, or be construed so as to extend, to prevent any member of the Legislative Council aforesaid, from initiating in the said Council any such rules, orders, or regulations as aforesaid, as may appear to him to be required, or to prevent the said Council from altering or amending any rule, order, or regulations, which may be proposed for confirmation; or from revoking any rule, order, or regulation, or from exercising any of the powers and authorities by the Royal Letters Patent of her said Majesty, bearing date the 28th of November, in the seventh year of her reign, conferred upon the said Council.

No rule not yet allowed to be of force unless enacted by Ordinance.

5. And be it enacted, that the several rules, orders, and regulations in the schedule to this Ordinance contained shall be, and the same are hereby confirmed, established, and enacted as the rules, orders, and regulations for the time being of the District Court of Natal⁽¹⁾.

Rules, &c., contained in the schedule to be the rules, &c., for the time being of the District Court of Natal.

6. And be it enacted, that this Ordinance shall commence and take effect from and after the day on which the notification of Her

Ordinance, when to take effect.

(1) The rules made under this Ordinance, and which were contained in the Schedule, and the alterations and additions made subsequently, are published separately.

Rules of Court.—Deeds' Registry Office.

Majesty the Queen's approval and confirmation thereof shall be published in the usual manner in the *Cape of Good Hope Government Gazette*.

God save the Queen!

Given at the Cape of Good Hope, this 30th day of October, 1845.

By command of His Excellency the Governor,

(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed) W. SMITH,
Acting Clerk of the Legislative Council.

ORDINANCE No. 33, 1846.

(Signed) P. MAITLAND.

Ordinance for amending the Ordinance No. 2, 1846, entitled, "Ordinance for creating a Deeds' Registry Office for the District of Natal."

Preamble.

Registrar of
Deeds at Natal
to be appointed
by the Queen.

1. WHEREAS in and by the first section of the Ordinance No. 2, 1846, entitled, "Ordinance for creating a Deeds' Registry Office for the District of Natal," it is provided that it should and might be lawful for the Lieutenant Governor of the said District to appoint some fit and proper person to be and act as Registrar of Deeds for the said District: And whereas, it is expedient that the appointment of such Registrar as aforesaid should be vested in Her Majesty the Queen: Be it enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that so much of the said first section of the said Ordinance as empowers the Lieutenant Governor aforesaid to appoint a person to be and act as such Registrar of Deeds aforesaid shall be and the same is hereby repealed; and that it shall and may be lawful for Her Majesty the Queen, her heirs and successors, to appoint from time to time some person to be such Registrar of Deeds as aforesaid. Provided always, that nothing herein contained shall be deemed or taken so as to invalidate or affect any act of any person appointed under and by virtue of the Ordinance aforesaid done or performed before the commencement and taking effect of this Ordinance; and provided also, that pending any such appointment as aforesaid by Her Majesty the Queen, the Secretary to Government for the District of Natal, or officer for the time being acting as such, shall be and act as the Registrar of Deeds for the said District.

Deeds' Registry Office.

2. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any proclamation to be by the Lieutenant Governor of the said District for that purpose issued and posted upon or affixed to any public place in Pietermaritzburg.

Ordinance, when
to commence.

God save the Queen!

Given at the Cape of Good Hope, this 25th day of November,
1846.

By command of His Excellency the Governor,
(Signed) JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,
(Signed) WM. HOPE,
Clerk of the Legislative Council.

ORDINANCE No. 2, 1847.

Ordinance for facilitating the Apprehension and regulating the mode of Conveyance of Deserters from Her Majesty's Land Forces within the District of Natal to their respective Corps; and for the more prompt payment of Rewards and Expenses consequent thereon.

Repealed by Law No. 12, 1867, § 1.

ORDINANCE No. 5, 1847.

Ordinance for the Creation of Municipal Boards in the Towns and Villages of the District of Natal.

Repealed by Ordinance No. 1, 1854, § 1.

ORDINANCE No. 6, 1847.

Ordinance for enabling the Lieutenant Governor of Natal to make provision for regulating the dealing in and possession of Firearms and Ammunition within the said District.

Repealed by Law No. 3, 1857, § 1.

Markets.

ORDINANCE No. 7, 1847.

Ordinance for enabling the Lieutenant Governor of Natal to establish Public Pounds within the said District.

Repealed by Ordinance No. 1, 1850, § 1.

ORDINANCE No. 8, 1847.

(Signed) HENRY POTTINGER.

Ordinance for enabling the Lieutenant Governor of Natal to establish Markets within the said District.

Preamble.

Lieutenant Governor authorised to establish markets by proclamation, under certain conditions and restrictions.

1. WHEREAS it may be expedient to establish markets in certain villages and other places convenient for holding the same within the District of Natal: Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the Lieutenant Governor of the said District, with the advice of the Executive Council thereof, by any proclamation to be by him issued from time to time for that purpose, and posted upon or affixed to some public place in Pietermaritzburg, to establish a market at any village or place where the same shall appear to be required, and to fix the limits of the same and the dues to be taken thereat, and to provide all necessary regulations for such markets; and such regulations to alter and the said markets to abolish when and so often as he shall deem expedient: Provided always, that no such market shall be established at or in any municipality: and that in case any village or place at or in which any such market shall be established shall at any time afterwards become a municipality, then such market shall become and be, *ipso facto*, abolished.

Ordinance, when to commence.

2. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof, by any proclamation to be by the Lieutenant Governor aforesaid for that purpose issued, and posted or affixed in manner and form as hereinbefore provided in regard to the proclamation in the first section of this Ordinance mentioned.

God save the Queen!

Given at the Cape of Good Hope, this 30th day of March, 1847.

By Command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,

Secretary to Government.

By Order of the Legislative Council,

(Signed)

WM. HOPE,

Clerk of the Legislative Council.

Wine and Spirit Licenses.

ORDINANCE No. 9, 1847.

(Signed) HENRY POTTINGER.

Ordinance for regulating the Sale of Wines, and Spirituous and Fermented Liquors, within the District of Natal.

1. WHEREAS, it is expedient to provide for, and to regulate, the sale of wines, spirituous, and fermented liquors, by wholesale and retail, within the District of Natal: Be it therefore enacted, by the Governor of the Colony of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for any person, or persons, nominated and appointed in that behalf, from time to time, by his Honour the Lieutenant Governor of the District of Natal, by any proclamation by him issued, and published in manner and form as hereinafter directed, in regard to the certain proclamation in the 42nd section of this Ordinance mentioned, and such person or persons are hereby respectively required to grant licenses, in manner and form hereinafter provided, authorising the sale of wines, spirituous liquors, liqueurs, malt liquors [* * * * *] to such persons residing within the division, for which such officer or person shall be appointed to act, as shall make such applications, and comply with such regulations, as are respectively hereinafter mentioned and set forth.

Preamble.

Persons to be appointed by Lieutenant Governor to issue licenses.

Vide Law 13, 1861, § 1; and Law 23, 1863, § 1.

2. And be it enacted, that every such license as is in the last preceding section mentioned, shall be either a wholesale license, or a retail license.

Licenses to be wholesale or retail.

3. And be it enacted, that the said licenses respectively, shall be in form, corresponding with the forms thereof respectively in the schedule to this Ordinance, in that behalf, set forth.

Form of license.

4. And be it enacted, that it shall and may be lawful for any person, who shall take out a wholesale license as aforesaid, to sell any of the liquors in the first section of this Ordinance mentioned, in any quantity not less than two gallons, imperial measure, if in cask, or than twelve reputed quart, or twenty-four reputed pint bottles, if in bottle; and that it shall and may be lawful for any person, who shall take out a retail license, as aforesaid, to sell any of the said liquors in any quantity less than two gallons, imperial measure, if in cask, or less than twelve reputed quart, or twenty-four reputed pint bottles, if in bottle.

Wholesale dealing, minimum quantity.

Retail dealing maximum quantity.

5. And be it enacted, that all such licenses, as aforesaid, whether wholesale or retail, shall be issuable for the periods, and be paid for at the rates or values following, and none other, that is to say:—

Costs of licenses.

[For every retail license to sell wines, spirituous liquors, liqueur, malt liquors [* * * * *] in the towns of Pietermaritzburg, Durban, and Ladysmith, or at any place within three miles from such town, to endure for the space of one whole year ... £20 0 0					Vide Ord. 3, 1863, § 1.
Ditto, for six months ...	...	...	...	15 0 0
Ditto, for three months ...	...	...	...	10 0 0

Wine and Spirit Licenses.

For every such license as aforesaid, to sell at any place not within the towns aforesaid and not within the distance of three miles therefrom, to endure for one whole year £8 0 0						
Ditto, for six months 5 0 0						
Ditto, for three months 3 0 0]						

Wholesale
licenses.

6. And be it enacted, that it shall and may be lawful for any person, desirous of taking out such a wholesale license as aforesaid, to apply for the same to the officer or person so nominated, as aforesaid, and required to grant the same, who shall thereupon grant the same accordingly: Provided, that every such officer or person shall, with all convenient speed, transmit to the Secretary to Government of the District, the name of every person receiving any such wholesale license, the place or premises where the licensed dealing is to be carried on, and the date of the issuing of such license.

License, where
necessary.

7. And be it enacted, that lodging houses, club houses, eating houses, or other places of accommodation, entertainment, or refreshment, at which any of the liquors in the first section of this Ordinance mentioned, are supplied on the premises, to inmates or others, and charged or paid for either directly or indirectly, and as part of the board or lodging to be provided, or otherwise, shall, except as hereinafter is excepted, be treated and considered as houses or places requiring that the persons keeping the same respectively, should take out the license aforesaid, for selling by retail: Provided always, that no person, who shall receive or accommodate any boarder or lodger, or other inmate, for any period certain not less than one month, and who shall not supply to such boarder, lodger, or other inmate, any wines, or spirituous or fermented liquors, other than those of the growth or manufacture of the Colony of the Cape of Good Hope, shall be required to take out any license whatsoever.

Mode of applica-
tion for retail
license.

Vide Law 19,
1872, § 72.

8. And be it enacted, that every person, being desirous of taking out any such retail license as aforesaid, shall make an application, in writing, to the Resident Magistrate of the division in which he resides, setting forth the nature or description of license required, and the place or premises where the calling or business, to be authorised by such license, is intended to be carried on; and when and as often as any person shall apply for such retail license, such person shall, in his said application, set forth whether he intends to keep an inn, hotel, or boarding house, or intends to sell liquors not to be drunk or consumed on the premises, or intends to keep a tap, canteen, or public house, or intends to carry on any two or more of the said sorts or descriptions of trade or calling.

Magistrate to
post notice at
certain places.

9. And be it enacted, that as often as any Resident Magistrate shall receive any such application as is in the last preceding section mentioned, from any person who shall state his intention to keep a tap, canteen, or public house, such Resident Magistrate shall affix, or cause to be affixed, in some conspicuous place at, or in, his office, and at, or on, the gate or entrance of some place of public worship (if such there be within seven miles of the seat of magistracy), and at, or on, the gate or entrance of the public prison, a notice, con-

Wine and Spirit Licenses.

taining the name of the applicant, the description of the house or premises in which the calling or business aforesaid is intended to be carried on, and the day on which the question of the granting of such license will come on before such Resident Magistrate for determination; and such notice shall be affixed, for the space of seven days, at least, next before the day last mentioned.

10. And be it enacted, that upon the day appointed for the determination of the question of the granting of any such license, as aforesaid, the Resident Magistrate shall, in open Court, proceed to determine the same; and shall hear the objections, if any, of any householder resident near the house, or premises, mentioned in the notice aforesaid, whether grounded on the character, misconduct, or unfitness of the applicant, unfitness or inconvenience of the place, or premises, or number of previously licensed houses already in the neighbourhood; and such Magistrate shall also hear what shall be urged by the applicant, in answer to such objections; and shall, if necessary, administer an oath to the said parties, or either, or any of them, or any other persons who shall be deemed competent to give any evidence, or information, touching the matter in question, and shall grant, or refuse, the license applied for, as the circumstances of the case shall require.

Magistrate shall decide objections in open Court.

11. And be it enacted, that no person shall be allowed to take out more than one license to authorise the keeping of a tap, canteen, or public house, and if any one person shall take out more than one such license, every license taken out by such person shall be, *ipso facto*, null and void.

No person to hold more than one license to keep a tap, &c.

12. And be it enacted, that when, and as often, as the Resident Magistrate shall see fit to grant any such license, as aforesaid, to any person intending to keep a tap, canteen, or public house, or to authorise the sale of liquors not to be drunk or consumed on the premises; or to authorise the sale of liquors in any inn, hotel, or boarding house, such Resident Magistrate shall deliver to the person, who shall have applied for the same, a certificate, in the form in the schedule to this Ordinance, in that behalf, set forth; which certificate, when produced and delivered to the officer or person nominated as aforesaid, shall entitle the person named therein to receive the license therein mentioned.

Certificate of Magistrate to authorise license to be granted.

13. And be it enacted, that every Resident Magistrate shall keep, or cause to be kept, a register of all certificates granted by him, which shall show the date when the application was received, the name of the applicant, and the description of the trade or calling intended to be carried on; and in regard to applications for retail license to keep a tap, canteen, or public house, such register shall also show the date at which each notice was affixed and each certificate granted or refused as the case may be.

Magistrate to register certificates.

14. And be it enacted, that no person who shall have applied for, and received, a retail license, for the purpose of an inn, hotel, or boarding house, shall sell any liquors not to be drunk or consumed on the premises, or shall keep on the premises a tap, canteen, or public house, under pain of forfeiting any sum not exceeding ten pounds; nor shall any person, who shall have applied for, and

When liquors must and must not be consumed on the premises.

Wine and Spirit Licenses.

received, a retail license, to authorise the sale of liquors not to be drunk or consumed upon the premises, permit any liquors to be drunk or consumed on the premises, under the like penalty.

Recognizance
forms.

15. And be it enacted, that as often as a retail license shall have been granted to any person, who shall have applied for the same, for the purpose of keeping a tap, canteen, or public house, such person shall thereupon enter into a recognizance before the officer or person nominated as aforesaid, who is hereby authorised and empowered to take the same, in the sum of fifty pounds sterling, with two sufficient sureties in the sum of twenty-five pounds sterling each, which recognizance, with the condition thereof, shall be in the form in that behalf prescribed in the schedule to this Ordinance, and in case the person applying for such license, shall be hindered through sickness, infirmity, or other reasonable cause, to attend in person for the purpose of entering into such recognizance, it shall and may be lawful for the person aforesaid, empowered to grant such licenses, to permit two sufficient sureties to enter into such recognizance, each surety in the penalty of fifty pounds sterling, for performance of the conditions of the said recognizance; and which said recognizance shall be acknowledged in the presence of, and signed by, such officer or person taking the same, and the same, with the condition thereof, shall be sent to the Resident Magistrate of the jurisdiction, to be by him duly entered and recorded; and that for every such license granted without such recognizance, and for every such recognizance taken and not sent as aforesaid, the officer or person signing such license shall incur and be liable to the payment of a fine not exceeding *fifty pounds sterling*.

Fraudulent
licenses.

16. And be it enacted, that every license which shall be found to have been fraudulently obtained, shall be null and void; and any person who shall forge or counterfeit any license or certificate, or write any name on any such license, to resemble, imitate, or represent the name of any Resident Magistrate, or other person, empowered to grant the same, or shall tender or produce any paper with such counterfeit name or writing therein, knowing such name or writing to be counterfeit, or shall take or receive any sum of money for signing or procuring counterfeit signatures to such licenses or certificates, every person so offending, being lawfully convicted thereof, shall incur and be liable to a fine of one hundred pounds sterling, and shall also, upon prosecution and conviction, suffer such pains and penalties as by law is, or may, hereafter be imposed upon persons convicted of forgeries or frauds, of this or the like nature.

Selling without
license.

17. And be it enacted, that any person, who shall sell any of the liquors aforesaid, by wholesale or retail, without having obtained a wholesale or retail license, respectively, or who, having obtained such license, shall sell any such liquors, excepting upon the premises mentioned in his license, shall incur and be liable to the pains and penalties imposed upon persons convicted of selling such liquors without a license: Provided always, that any licensed keeper of an inn, hotel, boarding house, tap, canteen, or public house, who shall be desirous to expose for sale, and sell, any of the liquors aforesaid, at any place of public amusement, or resort, may apply to the Resi-

Wine and Spirit Licenses.

dent Magistrate of the division, for permission, in writing, so to do, and such Magistrate may, should he see cause, grant such permission, and thereupon such sale shall become and be duly authorised and legal.

18. And be it enacted, that nothing in this Ordinance contained shall extend, or be construed to extend, to require a license for the sale of any of the liquors aforesaid, made by any Sheriff or other officer acting under the authority of any Court, Judge, or Magistrate.

Certain persons may sell without license.

19. And be it enacted, that nothing in this Ordinance contained shall prevent, or be construed to prevent, any dealer in the liquors aforesaid, to whom a wholesale license shall have been granted, to keep or store any of the liquors aforesaid, in any number of stores or places, provided that no one of such stores or places be distant from any other of such stores or places more than two miles, and that the description of all such places be entered in the license, otherwise such dealer shall incur and be liable to the pains and penalties imposed upon persons convicted of selling without a license: Provided, however, that persons in partnership, and carrying on business under one firm, and in one house or shop only, and proving such partnerships, shall not be required to take out more than one license for such house or shop.

Wholesale dealers may store in certain places otherwise than those licensed.

20. And be it enacted, that every person, having obtained any wholesale or retail license as aforesaid, shall, except as hereinafter excepted, cause to be affixed, in some conspicuous place, on the outside of, and over the door of his house, shop, store, or stores, a board, on which, on the wall over the door or doors of the building, shall be painted in letters publicly visible and legible, at least two inches long, his name at full length (or, where they are partners, the name or style of the firm or partnership), and after such name or style, the words *licensed dealer, or dealers in wines, malt liquors, and spirituous liquors, by wholesale or retail*, as the case may be, and shall keep up such board or sign, in good condition, during the continuance of such license; and, in default of affixing such board or sign, or keeping the same in manner as aforesaid, shall incur and be liable to the payment of a penalty not exceeding *five pounds* sterling, and, in case the whole amount of the penalty imposed, and of the costs and expenses, be not paid within three days after conviction, to imprisonment not exceeding one month, and not less than one week, unless the penalty, costs, and expenses, be sooner paid; but nothing in this Ordinance contained shall be construed so as to require any board to be affixed, in regard to any inn, hotel, or boarding house.

Licensed places, names of dealers and notice of licenses how to be affixed.

21. And be it enacted, that every person who shall not have obtained any such license as aforesaid who shall affix any such board as aforesaid before or on his house, shop, or store, or who shall paint or give any notice importing that he is a dealer in the liquors aforesaid, or any of them, shall for every such offence incur and be liable to the pains and penalties imposed on persons convicted of selling any of the liquors aforesaid without a license.

Penalty in case unlicensed person affix such notice.

22. And be it enacted, that it shall and may be lawful for all Resident Magistrates and Justices of the Peace in their respective jurisdictions to enter houses where liquor is sold by retail, or on or

Who may enter licensed premises and what, and for what purposes.

Wine and Spirit Licenses.

before which is affixed, as by the 20th section of this Ordinance is required, any board or other notice importing that any of the liquors herein mentioned are there sold by retail, and demand to see the license; and if the same be not produced, and no good and sufficient reason be given for the non-production of the same, it shall and may be lawful for them to seize all liquors found therein as are mentioned in this Ordinance, and the vessels containing the same, and apply such liquors and vessels as forfeited to the use of the District Treasury; and the occupier of such house shall be deemed an unlicensed retailer, and shall incur and be liable to the pains and penalties imposed by this Ordinance on persons convicted of selling any of the aforesaid liquors without a license: Provided always, that the reasonable expenses of such seizure shall be paid out of the proceeds of the articles so seized.

Persons suspected of illicit dealing may be brought before Magistrate.

23. And be it enacted, that if any person shall make information on oath before a Resident Magistrate, and show probable cause why he suspects that any person sells any such liquors as aforesaid by retail without license to that effect, it shall and may be lawful for such Magistrate, within his jurisdiction, to summon such suspected person before him, and also to summon any other person who such Magistrate shall be satisfied is capable of giving material evidence upon the subject to be examined and give evidence upon the charge against such suspected person; and if such persons so summoned as witnesses shall refuse to appear, or shall refuse to be examined on oath and give evidence as aforesaid, it shall and may be lawful for the said Magistrate to commit every such offender to prison for a period not exceeding one month, or until the party shall no longer refuse to be examined and give evidence as aforesaid.

Days and hours at which public houses may not be open or sell.

24. And be it enacted, that no retail dealer shall sell, or keep any tap, canteen, or public-house open for the sale of, such liquors as aforesaid or any of them, or shall suffer any of them to be drunk or consumed therein during any part of Sunday, or between the hours of nine o'clock at night and six o'clock in the morning of any other day; and any person contravening this section shall, upon conviction, forfeit any sum not exceeding ten pounds, and upon non-payment thereof shall be imprisoned for any period not exceeding one month.

Who may enter inns, and when, and for what purpose.

25. And for the better preservation of the public peace and order, be it enacted and declared that it shall and may be lawful for any Resident Magistrate or Justice of the Peace within his jurisdiction to enter any inn within which any riot, disturbance, or breach of the peace shall take or have taken place at any hour, and to disperse or otherwise to detain and commit to safe custody any person actually engaged therein; and for any Magistrate, Justice of the Peace, gaoler, constable, or peace officer to enter any house for which a retail license is granted where such riot, disturbance, or breach of the peace shall take or have taken place, or any house which is known or found to be frequented by men or women of notoriously bad fame and character, for the purpose of removing and to remove all persons rioting, making disturbance, or drinking therein, and all persons being or remaining therein (not being *bona fide* lodgers in such house) between or within the hours hereinbefore

Wine and Spirit Licenses.

declared to be unlawful; and if the holder of the license for, or the keeper of any such house, or the person in charge thereof at the time, shall not, on demand of entrance, admit such Magistrate, or other person as aforesaid, or shall obstruct them, or any of them, in removing persons rioting, making disturbance, drinking, or unlawfully remaining therein, between the hours aforesaid, the holder of such license shall, upon conviction, forfeit any sum not exceeding ten pounds, and upon non-payment thereof, shall be imprisoned for any period not exceeding one month.

26. And for the better prevention and punishment of drunkenness, be it enacted, that whenever any Magistrate or other person as aforesaid, shall find any person, at any time, drunk and lying down from the effect of intoxication, in any street, road, or lane, or in any other public place within any town or village; and such person, if so apprehended during the night time, shall and may be lodged in any gaol, watch-house, or house of correction, and shall be brought up in every case, as soon as convenient, and during the ensuing day at the latest, before the Resident Magistrate, having jurisdiction in such place, and every person so apprehended shall, on due conviction thereof, incur and be liable to a fine not exceeding one pound, and, in default of payment, it shall and may be lawful for the Magistrate, so convicting, to commit such offender to prison, with or without hard labour, and with or without spare diet, for a period not exceeding fourteen days, and, in case of repeated offence, for a period not exceeding one month, unless the fine, in any case, be sooner paid.

Drunkenness,
and how
punishable.

27. And be it enacted, that no person shall be entitled to, or shall maintain, any cause, action, or suit for, or recover at law, any sum of money, or demand for, or on account of, any spirituous liquors, sold in any quantity less than one quart, at any one time; nor for, or on account of, any particular item or article in any account or demand for spirituous liquors, so sold, where the quantity shall be less than one quart; and, in case any person shall take or receive any pawn or pledge from any person, by way of security for the payment of any sum or sums of money, owing by such person for spirituous liquors, so sold, or shall take or receive, in payment thereof, any article whatsoever, in lieu of money, every such person so offending, and being convicted thereof, shall incur and be liable to the payment of a fine not exceeding ten pounds sterling, nor less than two pounds sterling, for every pawn or pledge so taken in or received by him or them; and the person or persons, to whom any such pawn or pledge shall belong, shall have the same remedy for recovering such pawn or pledge, or the value thereof, as if it had not been given as a pledge.

Price of liquors
sold in less than
quart quantities
not recoverable.

Penalty for
taking pledges
for such prices.

28. And be it enacted, that no person shall have any remedy for, or recover any sum of money on account of any of the liquors in this Ordinance mentioned, which shall be sold, contrary to law, to an unlicensed retailer; nor shall any such unlicensed retailer have any remedy for, or recover from, any person, any sum of money on account of any of the aforesaid liquors sold by him; and all contracts, bills, promissory notes, bonds, and other writings, given as a security for the payment of debts contracted for any of the liquors herein

Price of liquor
sold to un-
licensed dealers
not to be
recoverable.

Wine and Spirit Licenses.

mentioned, or sold to, or by, an unlicensed dealer, save and except negotiable instruments in the hands of holders for valuable consideration, and without notice of the illegality, shall be, and are hereby declared to be null and void.

29. [Repealed by Law 14, 1868, § 1.]

30. [Repealed by Law 23, 1863, § 2.]

31 & 32. [Repealed by Law 14, 1868, § 1.]

Brewing or distilling without a license.

33. And be it enacted, that any person who shall brew malt liquors for sale, or who shall distil spirituous liquors in contravention of this Ordinance, without having taken out the respective licenses for that purpose, shall incur and be liable to a penalty not exceeding fifty pounds for each offence, and shall further, in case of selling malt liquors, or spirituous liquors, so brewed or distilled by him, incur and be liable to the pains and penalties imposed on persons convicted of selling such liquors without a license.

Jurisdiction.

34. And be it enacted, that all offences against this Ordinance shall be cognizable before the Resident Magistrate within whose jurisdiction they shall have been committed.

Onus of proving licence on the dealer.

35. And be it enacted, that in all proceedings against any person selling, or dealing in, or disposing of any liquors without license, contrary to the provisions of this Ordinance, such person shall be deemed to be unlicensed, unless he shall, at the hearing of the case, produce his license, or give other satisfactory proof of his being licensed.

Evidence necessary.

36. And be it enacted, that it shall and may be lawful for every such Resident Magistrate, as aforesaid, in any proceedings against any person for retailing, without license, as hereinafter mentioned, to determine upon the fact of such retailing, according to the circumstances of the case, and the reasonable inferences deducible therefrom, and such Resident Magistrate may find such fact to be proved, without direct evidence of money or value having been given for the liquor alleged to have been sold or retailed.

Dealing without license, penalties.

37. And be it enacted, that in every case in which any Resident Magistrate shall see cause to convict any person of the following offences, the person offending shall incur and be liable to the pains and penalties hereinunder respectively set forth, that is to say :—

First offence.
Vide Law 13,
1861, § 1; and
Law 23, 1863, § 1.

For selling, dealing in, or disposing of wines, spirituous liquors, liqueurs, malt liquors, [* * * *] without a license, a penalty of ten pounds, and in default of payment thereof being forthwith made, or security given for the same, to imprisonment, with or without hard labour, for any period not exceeding one month, unless the fine imposed shall be sooner paid or levied, in which case, the offender shall be liberated.

Second offence.

For any such second offence as last aforesaid, a penalty of twenty pounds, and in default of payment or security as aforesaid, being made or given upon conviction, to imprisonment, with or without hard labour, for any period not exceeding three months, or to imprisonment, with or without hard labour, for any period until the fine imposed shall be paid or levied, such period, however,

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not to exceed three months; nor to be less than any shorter period (if any) which the Magistrate may, in his discretion, see fit to award.

For a third, or any subsequent conviction, of the offence last aforesaid, a penalty of thirty pounds, with or without superadded imprisonment, as hereinunder mentioned, that is to say, in case the fine imposed, with costs, shall be paid or secured forthwith, to imprisonment, with or without hard labour, for any period not exceeding six months, and in case the said fine shall not be paid or secured forthwith, to imprisonment, with or without hard labour, for any period not exceeding nine months, either absolutely, or until the said fine shall have been sooner paid or levied, as the Magistrate convicting shall award, or such Magistrate may award such imprisonment as aforesaid, for any period not exceeding nine months, with a condition that it shall cease and determine after a certain minimum extent of such imprisonment has been suffered, in case the fine imposed shall then be paid or levied.

Third offence.

For the offence of contravening any of the provisions or covenants, contained in the condition of any subsisting recognizance (not being a provision in regard to which any other penalty, or punishment, shall be by this Ordinance provided), and which provisions were, by any licensed person, stipulated and agreed to be fulfilled and kept, a penalty of ten pounds, and in case the same shall not be paid or secured forthwith, to imprisonment, with or without hard labour, for any period not exceeding one month, or until the fine be sooner paid; and a third conviction within the space of three years, shall, *ipso facto*, forfeit the subsisting license of the offender, if such license there be, and such offender shall be thereupon disqualified for holding any license to sell liquors in future.

Penalties for contravening condition of recognizance.

38. And be it enacted, that it shall be lawful for any such Resident Magistrate, as aforesaid, to mitigate any of the penalties, or sums of money last aforesaid, so as such mitigation shall not in any case reduce such penalty to less than one-third thereof, and that the causes of such mitigation shall be recorded, under the head of remarks, in the Record Book of such Magistrate.

Penalties may be mitigated.

39. And be it enacted, that when and as often as any offender shall be convicted of any offence against any of the provisions of this Ordinance, it shall and may be lawful for the Magistrate convicting such offender, to issue his warrant for levying the amount of any fine or penalty imposed upon such offender, by distress and sale of the goods of such offender, whether such offender shall be in custody by reason of his conviction of such offence or not, and for levying also the cost of such distress and sale; and such warrant shall in substance be agreeable to the form in the schedule to this Ordinance in that behalf set forth, and the overplus, if any, levied under any such

Distress and sale of goods.

Wine and Spirit Licenses.

warrant, shall be rendered to the said offender, and all goods and chattels taken under and by virtue of any such warrant, shall be sold under the like provisions and regulations as are, or shall be, provided by the rules of the Courts of Resident Magistrate, for the sale of goods and chattels taken under the process of execution by such Courts.

Persons convicted may appeal.

40. And be it enacted, that any person who shall be convicted by the judgment of any Resident Magistrate, of any offence against any of the provisions of this Ordinance, may, should he so think fit, bring such conviction in appeal or review: Provided, he shall, within three days next after the day of such conviction, give sufficient security to the satisfaction of the convicting Magistrate, in double the amount of the pecuniary penalty imposed, that he will take proceedings for prosecuting such appeal or review, within one month; and, also, that he will stand to and perform the judgment of the Court before which the appeal or review shall be brought, in case the conviction should be there affirmed, together with the costs of such appeal or review; and in case the person convicted shall have been already committed to prison, he shall, upon giving such security as aforesaid, be liberated from custody, pending the hearing and determination of such appeal or review.

Penalties to go to the informers.

41. And be it enacted, that the whole amount of every fine, penalty, and forfeiture, paid or levied upon conviction of any offence against the provisions of this Ordinance, shall, upon recovery thereof, be paid to the person upon whose information the conviction shall have been had, unless such person shall decline to receive the same, and shall direct some charitable or other appropriation thereof, in which case it shall be applied accordingly: Provided always, that it shall not be obligatory upon any convicting Magistrate, to issue his warrant for distress and sale of the goods of any offender, in manner and form as is in the 39th section of this Ordinance mentioned, unless the person prosecuting such offender shall, in the first instance, pay in advance, or otherwise secure, the reasonable costs and charges of executing such warrant.

Ordinance, when to commence.

42. And be it further enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof, by any proclamation, to be by the Lieutenant Governor of the District aforesaid, for that purpose issued, and posted upon, or affixed to, any public place in Pietermaritzburg: Provided always, that any licenses issued at any time during the present year, 1847, shall cease and determine on or before the 31st day of December, of the said year.

SCHEDULE.

Form of Wholesale License.

I, _____, Distributor of Stamps in _____ (or in the District of _____), on this _____ day of _____, 18____, do hereby authorise and empower _____, residing at _____, to

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sell, *by wholesale*, wines, spirituous liquors, and malt liquors at
 , and not elsewhere, for , from the ,
 and no longer.

(Signed) _____

Form of Retail License.

I, , Distributor of Stamps in (or in the Dis-
 trict of), on this day of , 18 , do
 hereby authorise and empower , residing at (and
 who has produced to me the certificate required by law), to sell, *by*
retail, wines, spirituous liquors, malt liquors [* * * *]
 at , and not elsewhere, for , from the
 day of , 18 , and no longer.

Vide Law 13,
 1861, § 1; and
 Law 28, 1863, § 1.

(Signed) _____

The above form will apply to the case of a tap, canteen, or public-house. When the certificate shall describe the license applied for as intended to authorise the sale of liquors not to be drunk or consumed on the premises, the words, "This license not to authorise the sale of any of the liquors aforesaid to be drunk or consumed on the premises," shall be added.

When the certificate shall describe the license as intended to authorise the keeping of an inn, hotel, or boarding-house, the words, "This license to authorise the keeping of an inn, hotel, or boarding-house, but not a tap, canteen, or public-house," shall be added.

Form of License to Brew and Sell Malt Liquors by Wholesale.

Vide Law 14,
 1868.

I, , Distributor of Stamps in (or in the Dis-
 trict of), on this day of , 18 , do
 hereby authorise and empower , residing at , to
 brew malt liquor at only, and to sell the same, *by wholesale*,
 and in quantities not less than nine and one half gallons for one
 whole year from the 1st day of January, 18 , and no longer.

(Signed) _____

Form of License to Distil Spirituous Liquors from Wine or Fruits or from Grain.

Vide Law 14,
 1868.

I, , Distributor of Stamps in (or in the Dis-
 trict of), on this day of , 18 , do
 hereby authorise and empower , residing at , to
 distil spirituous liquors from (wine or fruits, or from grain) at
 only, and to sell the same, *by wholesale*, in cask only, and
 in quantities not less than nine and one half gallons, for one whole
 year from the 1st day of January, 18 , and no longer.

(Signed) _____

Wine and Spirit Licenses.

Vide Law 14,
1868.

Form of Certificate to be granted by the Resident Magistrate.

Vide Law 13,
1861, § 1; and
Law 23, 1863, § 1.

I, A. B., Resident Magistrate for _____, do hereby certify that C. D. is entitled to receive a license for selling wines, spirituous liquors, liqueurs, malt liquors [* * * *] by retail, at _____, in _____ Street, _____, (or at _____, in the District of _____, as the case may be), and I further certify that the said C. D. has applied for such license in order to keep a tap, canteen, or public-house (or "in order to sell the liquors aforesaid," "not to be drunk or consumed on the premises," or "in order to keep an inn, hotel, or boarding-house," as the case may be).

Dated this _____

day of _____

(Signed) _____

A. B.,
Resident Magistrate for _____

Vide Law 14,
1868.

Form of Recognizance.

Before me, _____, Distributor of Stamps for _____, on the _____ day of _____, 18____, A. B., residing at _____, acknowledges himself to be indebted to Our Sovereign Lady the Queen in the sum of fifty pounds, and C. D. and E. F. severally acknowledge themselves to be indebted to Our said Sovereign Lady the Queen in the sum of twenty-five pounds, to be levied upon their goods and lands, upon condition that the said A. B. shall not fraudulently dilute or adulterate any liquor sold by him; and shall not use in the selling thereof any measures that are not of full size; and shall not get drunk, nor knowingly permit drunkenness or tipping on his premises, and shall not permit gambling; nor shall knowingly permit men or women of notoriously bad fame to assemble on his premises; nor shall keep open his premises, nor permit any drinking therein (except for the accommodation of inmates) between the hours of nine at night and six in the morning on any day; nor shall sell any liquors on any part of Sunday; but shall keep good rule and order therein by night and by day; then this recognizance to be void, or else to remain in full force.

Form of Warrant for Distress and Sale.

To _____, Messenger of the Court of the Resident Magistrate of _____ (or in case the warrant be issued by a Justice of the Peace, "To _____," the person to whom the warrant is directed).

Whereas (name of the offender), of _____, was on this day (or on the _____ day of _____, 18____), convicted before me of contravening the Ordinance No. 29, 1846⁽¹⁾, and was duly adjudged to forfeit as a penalty the sum of £ _____; this is therefore to authorise and require you that of the goods and chattels of the

(¹) No. 29, 1846, was a Cape Ordinance, and never in force in Natal.

Wine and Spirit Licenses.—District Court.

said , you cause to be levied and raised the said sum of
 £ , with the costs of such conviction, amounting to the
 further sum of £ , together with your charges about the
 same ; and return to the Clerk of this Court what you have done
 by virtue hereof, for which this shall be your warrant.

Given under my hand, at , this day
 of , 184 .

(Signed) _____

Resident Magistrate
 (or Justice of the Peace, as the case may be).

God save the Queen!

Given at the Cape of Good Hope, this 30th day of March,
 1847.

By command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,
 Secretary to Government.

By order of the Legislative Council,

(Signed)

WM. HOPE,
 Clerk of the Legislative Council.

ORDINANCE No. 10, 1847.

*Ordinance for levying certain Duties upon Licenses and in lieu of
 Stamps within the District of Natal.*

Repealed by Ordinance No. 3, 1850, § 1.

ORDINANCE No. 11, 1847.

(Signed) HENRY POTTINGER.

*Ordinance for amending the Ordinance No. 14 of 1845, entitled
 "Ordinance for erecting a District Court in and for the Dis-
 trict of Natal."*

1. WHEREAS, by the 15th section of Ordinance No. 14 of 1845, Preamble.
 entitled, "Ordinance for erecting a District Court in and for the
 "District of Natal," it is enacted as follows, that is to say: "Pro-
 "vided always, that every person who shall be appointed to be or
 "act as Crown Prosecutor for the said District of Natal, shall,
 "while he shall hold such appointment, be admitted to act as an
 "advocate in the said Court in all cases in which he shall prosecute
 "or appear for Her Majesty the Queen, and shall in all other cases
 "be admitted to act as attorney in the said Court;" and whereas
 it is expedient that other provisions should be made in regard to the
 1856. Vide Ord. 18,

District Court.

Part of section
15 of Ord. 14 of
1846 repealed.

Crown Prosec-
utor to act as
advocate.

Precedence and
pre-audience.

May act for the
Queen both as
advocate and
attorney.

Ordinance, when
to commence.

rank and precedence in Court of such Crown Prosecutor as aforesaid: Be it therefore enacted, by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that so much of the said 15th section of the Ordinance aforesaid as is hereinbefore recited and set forth shall be repealed, and the same is hereby repealed accordingly.

2. And be it enacted, that every person who shall be appointed to be or act as Crown Prosecutor for the District of Natal, shall, while he shall hold such appointment, be admitted to act as an advocate, and, save as is hereinafter provided, not otherwise than as an advocate, in the District Court of Natal in all cases whatsoever in which he shall be retained or employed, and shall be entitled to take precedence and claim pre-audience in the said Court above or before all persons now or hereafter practising therein as advocates or attornies, in like manner and to the same extent as Her Majesty's Attorney General, when admitted as an advocate of the Supreme Court of the Colony of the Cape of Good Hope, is, by law or usage, allowed precedence and pre-audience in the said last-mentioned Court above or before all other persons practising therein: Provided always, that nothing herein contained shall be construed so as to prevent the Crown Prosecutor for the time being from acting as an attorney as well as an advocate in all suits and proceedings in which he shall act or appear for Her Majesty the Queen.

3. And be it enacted, that this Ordinance shall commence and take effect from and after such date as shall be fixed and appointed for the commencement thereof by any proclamation to be by the Lieutenant Governor of the said District for that purpose issued and posted upon or affixed to some public place in Pietermaritzburg.

God save the Queen!

Given at the Cape of Good Hope, this 30th day of March, 1847.

By command of His Excellency the Governor,

(Signed)

JOHN MONTAGU,
Secretary to Government.

By order of the Legislative Council,

(Signed)

WM. HOPE,
Clerk of the Legislative Council.

ORDINANCE No. 12, 1847.

Ordinance for the establishment and regulation of a Post Office and Postage within the District of Natal.

Repealed by Ordinance No. 4, 1851, § 1.

Fees of Court.

PART II.

NATAL ORDINANCES.

ORDINANCE No. 1, 1848.

(Signed) M. WEST.

Ordinance for authorising the taking of certain Fees by the Registrar of the District Court of Natal.

1. WHEREAS, the Honourable the Recorder of Natal saw reason, Preamble.
on the tenth day of March, 1846, to frame a certain tariff of fees, to
be taken for, and on account of, the public revenue, by the Registrar
of the District Court of Natal, the same being a tariff supplement-
ary to a former tariff, bearing date the fifteenth day of January,
1846, which last mentioned tariff was enacted and established by
the Ordinance, No. 32, 1846, entitled "Ordinance for amending the
"law regarding certain rules of Court;" and whereas, the said sup-
plementary tariff of fees, of which a copy is set forth in the schedule
hereunto annexed, is just and reasonable, and ought to be estab-
lished: Be it enacted, by the Lieutenant Governor of the District of
Natal, with the advice and consent of the Legislative Council thereof,
that the said tariff, as in the said schedule set forth, shall be, and
the same is hereby enacted, authorised, and established, and that all
sums of money, which have, at any time since the tenth day of March,
1846, been taken, or received, or which shall hereafter be taken and
received, by virtue, or in pursuance of, the said tariff, shall be
deemed and taken to have been lawfully taken and received.

2. And be it enacted, that this Ordinance shall commence and
take effect, from and after the date of its promulgation.

*Ordinance, when
to commence.*

Fees of Court.

SCHEDULE.

TARIFF OF FEES.

To be taken by the Registrar of the District Court of Natal.

	£	s.	d.
For taxing Bills of Costs in liquid cases	0	1	0
Ditto, in illiquid cases, 4 per cent.			
For every attendance of the Registrar in matters referred from the Court, except in insolvent cases, not exceeding two hours	0	10	6
Ditto, exceeding two hours, in the discretion of the Registrar, subject to taxation before the Court			
For every report thereon, except insolvent cases, in the discretion of the Registrar, subject to taxation before the Court			
For every other report, not exceeding	0	10	6
For every search	0	1	0
For office copies of any document, not exceeding one folio of one hundred words	0	2	0
Ditto, exceeding one hundred words, at the rate of, per folio	0	0	6
One per cent. on all moneys received, paid, or distributed, in pursuance of any order of Court			
Making entry of, and filing office copy of, return of process	0	2	6
Ditto, return of the Registrar of Deeds of mortgage bonds and hypothecation	0	2	6
Drawing of advertisements for meeting of creditors, of sale of real property	0	2	0
Summoning creditors to attend such meeting, for each summons	0	1	0
Attending any meeting in respect of the sale of immoveable property	1	1	0
Settling and publishing conditions of sale	1	1	0
For certificate of process being withdrawn, or of deficiency	0	5	0
For drawing out the account, with order of preference and plan of distribution (except by leave of the Court), not exceeding	0	10	6
For drawing the order and attending the transfer of any immoveable property	0	10	6
Filing any rule or order of Court... ..	0	1	0
Filing an order of sequestration	0	2	6
Drawing advertisement for meeting of creditors in insolvent case	0	2	0
Summoning creditors to attend such meeting, for each summons	0	1	0
Attending the meeting of creditors, or at the sale of any insolvent's immoveable property	0	7	6

Fees of Court.

	£	s.	d.
Recording decree for confirmation of trustees, and for certificate thereof ... ..	...	0	2 0
For every affidavit made before the Registrar ...	...	0	1 0

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 20th
day of November, 1848.

By Command of the Lieutenant Governor,

(Signed). D. MOODIE,
Secretary to Government.

By Order of the Legislative Council,

(Signed) W. HURSTHOUSE,
Acting Clerk of the Legislative Council.

ORDINANCE No. 2, 1848.

*Ordinance for altering and amending the Ordinance No. 9, 1847,
entituled "Ordinance for regulating the sale of Wines, and Spi-
rituous and Fermented Liquors, within the District of Natal."*

Virtually Repealed by Ordinance No. 3, 1853.

ORDINANCE No. 3, 1848.

*Ordinance for regulating the Trade in Gunpowder within the District
of Natal.*

Repealed by Law No. 3, 1857, § 1.

ORDINANCE No. 4, 1848.

*Ordinance for regulating the Trade carried on beyond the land
boundaries of the District.*

Repealed by Law No. 5, 1858, § 1.

Resident Magistrates.

ORDINANCE No. 1, 1849.

(Signed) M. WEST.

*Ordinance for extending the jurisdiction of the Resident Magistrates Courts, in certain cases of ejectment.***Preamble.****Resident Magistrates to have jurisdiction in cases of ejectment.****Provided the title to land is not in question. Jurisdiction limited to cases of the value of forty pounds.****Ordinance, when to commence.**

1. WHEREAS, it would tend to the better and more speedy administration of justice, if the Resident Magistrates throughout this District were authorised and empowered to exercise jurisdiction in certain cases of ejectment: Be it therefore enacted, by the Lieutenant Governor of the District of Natal, with the advice and consent of the Legislative Council thereof, that the Resident Magistrates throughout this District, shall, in their respective Courts, have jurisdiction in all actions of ejectment against the occupier of any lands, tenements, or premises, situated within the local limits within which they are respectively appointed to act, at the suit of any person (or of his lawful attorney, administrator, or executor), under whom such occupier has holden or occupied such lands, tenements, or premises, in virtue of any lease, contract, or agreement; or at the suit of any person, whose name is enregistered in the land register of the District, as the proprietor of such lands, tenements, or premises, or of his lawful attorney, administrator, or executor, against the tenants or occupiers thereof; or at the suit of any tenant holding a subsisting written lease of any such lands, tenements, or premises, under any person whose name is enregistered in the land register of the District, as the proprietor thereof; or at the suit of the lawful attorney, administrator, or executor of such tenant, against any occupier of such lands, tenements, or premises, whose right or alledged right of occupation is not derived from the person whose name is enregistered in the land register of the Colony as the proprietor thereof: Provided, that the title to any of the lands, tenements, or premises, aforesaid, is not in question, but only the right of occupation; and provided, it shall not be shown by the defendant that the right to the occupation of such lands, tenements, or premises, during the time of dispute, is to him of greater value than forty pounds sterling.

2. And be it further enacted, that this Ordinance shall commence and take effect from and after the date of the promulgation thereof.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 9th day of April, 1849.

By command of the Lieutenant Governor,

(Signed)

D. MOODIE,

Secretary to Government.

By order of the Legislative Council,

(Signed)

W. J. DUNBAR MOODIE,

Acting Clerk of the Legislative Council.

Natal Fire Assurance and Trust Company.

ORDINANCE No. 2, 1849.

Ordinance for provisionally vesting the Title to certain Lands in the name of the Persons registered for the same, and for enabling such Persons to Mortgage the same.

Disallowed. *Vide* Proclamation, 14th January, 1851.

ORDINANCE No. 3, 1849.

Ordinance for repealing so much of the Ordinance No. 12, 1845, as is inconsistent with a Proclamation issued by the Lieutenant Governor of the District of Natal on the 21st day of June, 1849, and with the provisions of this Ordinance; and for providing for the better Administration of Justice among the Natives.

Repealed by Law No. 26, 1875, § 1.

ORDINANCE No. 4, 1849.

(Signed) E. F. BOYS.

Ordinance for enabling the Board of Directors of the "Natal Fire Assurance and Trust Company" to sue and be sued in the name of their Secretary.

WHEREAS, the following persons, viz.:—Donald Moodie, Jacobus Christian Zeederberg, Jacobus Nicolaas Boshof, David Dale Buchanan, Philip Ferreira, Philip Jacob Jung and Jonas Bergtheil, Carl Behrens, Paul Hermanus Zietsman, James Craw, Joseph Henderson, William Jeffrey Davis, James Green, James Kinghurst, Richard Baker, Nicholaas Van Zweel, William Purcell, Arend Josias de Kock, John Pollidore Steele, Alexander Lamont, Heinrich Albrecht Repsold, John Murray Aitchison, Marius Cauvin, William Smerdon, William Roland Thompson, James Black, Johan Christoffel Boshof, John McKenzie, Alphonso Torkington Caldecott, John Bourke, Erich Landsberg, William Stanger, Henry Ogle, William Leinster Higginson, George Cadle, George Christopher Cato, Robert Pollyblank, Stephen Gee, Hugh McDonald, Edward Henry Hunt, Johan David Marquard, Theodore Minne, Willem van Aardt, Johan Philip Zietsman, Dunbar Moodie, Heinrich Haver-

Preamble.

Natal Fire Assurance and Trust Company.

mann, Theophilus Shepstone, Alfred Brooksbank Roberts, James Brickhill, John Bird, and Adolph Gordon, did, by a deed, bearing date the first day of May, 1849, enter into a contract of co-partnership, for the following purposes, that is to say:—The insurance of moveable and immoveable property, of every description (save such as is excepted in the said deed), against loss or damage by fire, the administration and management of such estates and other property, as the said company shall be duly appointed to administer and manage, as executors, tutors, guardians, curators, administrators, trustees, assignees, or agents, either under and by virtue of a decree of any competent Court of this District, or by the last will and testament, or other valid writing, act, or deed, of any person or persons, or by virtue of any marriage settlement, power of attorney, or otherwise:

And whereas, the said persons have raised among themselves, a joint stock, or capital, of ten thousand pounds sterling, in five hundred shares of twenty pounds sterling each, to serve as an available fund, to satisfy any claim or demand which any person may hereafter have upon the said co-partnership:

And whereas, the said persons have applied for an Ordinance to incorporate the said co-partnership, and joint stock Company, and in order the better to enable them to carry the said objects into effect:

And whereas, the interests of this District will be thereby greatly promoted:

Company in-
corporated.

1. Be it therefore enacted, by the Administrator of the Government of the District of Natal, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the said persons, who have executed the said deed, and such others as may become entitled to the privilege of this Ordinance, under and by virtue of the provisions of the said deed, to be, and continue joint stock proprietors of the said sum of ten thousand pounds, and of such sums as they may hereafter acquire, under the provisions of the said deed, and to constitute and be a Company for the purposes before mentioned, to be carried on under the style or firm of "the Natal Fire Assurance and Trust Company."

Deed to be filed.

2. And be it enacted, that a copy of the deed so executed by the said persons, duly authenticated by the Secretary of the said Natal Fire Assurance and Trust Company, appointed under the provisions of the said deed, shall be filed in the office of the Registrar of the District Court of this District of Natal, within one month after the passing of this Ordinance; and in like manner, a return of the names of the several persons, at the time, being members of the said Natal Fire Assurance and Trust Company, with their respective places of abode; and the name and place of abode of the chairman, and of each director thereof, and of the secretary thereof, in the same manner authenticated, shall be at the same time filed in the said office.

Alterations in
deed.

3. And be it enacted, that a copy of all alterations in or additions to the said deed which may at any time be made in conformity

Natal Fire Assurance and Trust Company.

with the provisions therein contained shall, within one month after any such alterations or additions shall have been duly made, in like manner authenticated, shall be in like manner filed in the office of the said Registrar.

4. And be it enacted, that whenever the transfer of any share in the said co-partnership or company shall be made, a return, in like manner authenticated, shall, within one month after such transfer shall have been made, be in like manner filed in the office of the said Registrar; and which return shall contain the date of such transfer, the name and place of abode of the person by whom or in whose behalf such transfer is made, and the name and place of abode of the person to whom such transfer is made.

Transfer of shares.

5. And be it enacted, that a return, in like manner authenticated, shall from time to time as occasion shall render it necessary, be filed in the office of the said Registrar of the name and place of abode of any person who shall have been appointed chairman, director, or secretary in place of any former chairman, director, or secretary within one month after such appointment shall have been made.

New officers.

6. And be it enacted, that a copy made from the copy of the said deed, or of any alteration in, or addition thereto, which may have been made and filed as aforesaid, and that a copy of any such return of any such chairman, director, secretary, or member, certified under the hand of the Registrar of the District Court, shall, in proceedings civil or criminal be received, in evidence or proof of such deed, or of any such alteration or addition as aforesaid, or of the authority of the officer named in any such return, and also of the fact that all persons therein named as members were such at the date of such return.

Copy of deed good evidence.

7. And be it enacted, that all appointments under and by virtue of any last will and testament, codicil, or of any deed or act which shall have been at any time previous to the passing of this Ordinance, or which shall hereafter be duly made and executed, of the directors of the Natal Fire Assurance and Trust Company, or of the secretary of the said Company, as executors, administrators, tutors, curators, or agents, or as executor, administrator, tutor, curator, or agent, as the case may be, shall be deemed and taken to be a valid appointment of the Natal Fire Assurance and Trust Company hereby constituted.

Company, how to be appointed executors, &c.

8. And be it enacted, that in all actions, suits, and proceedings, whether civil or criminal, the evidence of any person being an officer or member of the said Natal Fire Assurance and Trust Company shall be admissible, in like manner as if such person were not an officer or member thereof.

Officers may give evidence.

9. And be it enacted, that all actions and suits and all other proceedings at law to be commenced or instituted for and on behalf of the said Natal Fire Assurance and Trust Company against any person or persons, bodies politic or corporate, or others (whether members of the said Natal Fire Assurance and Trust Company or otherwise) for recovering any debts or enforcing any claims or demands due to the said Natal Fire Assurance and Trust Company, or for any other matter relating to the concerns of the said Natal

Actions, how to be brought.

Natal Fire Assurance and Trust Company.

Fire Assurance and Trust Company, shall and lawfully may, after the passing of this Ordinance, be commenced or instituted and prosecuted to a final judgment or sentence in the name of the Secretary of the Natal Fire Assurance and Trust Company as the nominal plaintiff, applicant, or petitioner for and on behalf of the said Natal Fire Assurance and Trust Company; and shall and lawfully may, subject to the provisions of the Ordinance No. 18, 1845, entitled, an "Ordinance for regulating the manner of proceeding in Criminal Cases in the District of Natal," prosecute any criminal action for any fraud, crime, or offence committed against or with intent to defraud the said Natal Fire Assurance and Trust Company or the members thereof jointly; and that no action or other proceeding shall abate, discontinue, or be rendered ineffectual by reason of the death or resignation of such Secretary, but the Secretary for the time being shall always be deemed to be the plaintiff, applicant, petitioner, or prosecutor in any such action, suit, or other proceeding as the case may be; and that all actions and suits and proceedings at law to be commenced or instituted by any person or persons, bodies politic or corporate, or others, whether members of the said Natal Fire Assurance and Trust Company or otherwise, against the said Natal Fire Assurance and Trust Company, or against the said members thereof jointly, shall and lawfully may be commenced, instituted, and prosecuted to final judgment or sentence against the said Secretary of the said Natal Fire Assurance and Trust Company as the nominal defendant or respondent for and on behalf of the said Natal Fire Assurance and Trust Company, or of the members of the said Natal Fire Assurance and Trust Company aforesaid, and not against the Natal Fire Assurance and Trust Company or any of them, or against the members or any of them.

Actions against
officers and
members.

10. And be it enacted, that it shall and may be lawful for the Secretary of the said Natal Fire Assurance and Trust Company, to bring and maintain any action, suit, or other proceeding at law, against any person being any officer or member of the said Natal Fire Assurance and Trust Company, for or on account of any claim or demand which the said Natal Fire Assurance and Trust Company may have against such person, in like manner as if he were not an officer or member thereof.

Actions by offi-
cers and members
against Company

11. And be it enacted, that it shall and may be lawful for any person, being an officer or member of the said Natal Fire Assurance and Trust Company, to bring and maintain any action, suit, or other proceeding at law, against the Secretary of the said Natal Fire Assurance and Trust Company for or on account of any claim or demand which he may have against the said Natal Fire Assurance and Trust Company, in like manner as if such person were not a member of the said Natal Fire Assurance and Trust Company.

Cannot claim in
reconvention.

12. And be it further enacted, that no claim or demand which any member of the said Natal Fire Assurance and Trust Company may have, in respect of his share of the capital stock of the said co-partnership, or of any dividends, interest, or profits, payable in respect of such share, shall be capable of being set off, and that no claim, in reconvention shall be brought on account of any such

Natal Fire Assurance and Trust Company.

share, or dividends, or profits, against any demands which the said Natal Fire Assurance and Trust Company may have against such member, on account of any other matter or thing whatsoever; but all proceedings, in respect of such other matter or thing, may be carried on as if no claim or demand existed in respect of such capital stock, or of any dividends, interest, or profits, payable in respect thereof.

13. And be it enacted, that it shall and may be lawful for any two directors of the said Natal Fire Assurance and Trust Company, to execute any bond, or other act, for and on behalf of the said Natal Fire Assurance and Trust Company, to draw up and execute any inventory or liquidation, distribution, or other account, and all such bonds, acts, inventories, and accounts, so executed, shall be equally valid, as if the same had been done and executed by every one of the members thereof.

Two directors
may execute
bonds, &c.

14. And be it enacted, that the said Natal Fire Assurance and Trust Company shall continue, and be in force, until the eleventh day of April, 1870; and that, from and after the eleventh day of April, 1870, the said Natal Fire Assurance and Trust Company shall not enter upon the administration of any property or estate, or insurance of any property: Provided, however, that the said Natal Fire Assurance and Trust Company shall be authorised to continue the administration of any property or estate, upon which they shall have previously entered, so as, without delay, to bring the same to a final settlement; as also to liquidate and adjust all such insurances as may have been effected with the said Company, up to the date of the said eleventh day of April, 1870, for which purposes only the said Natal Fire Assurance and Trust Company shall thenceforth continue, under and by virtue of the provisions of this Ordinance.

Duration of
Ordinance.

15. And be it enacted, that this Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken notice of by all Judges, Magistrates, and others, without being specially pleaded.

Public Ordinance.

16. And be it further enacted, that this Ordinance shall commence and take effect from and after the date of the promulgation thereof.

Ordinance, when
to commence.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 23rd day of October, 1849.

By command of His Honour the Administrator of the Government,

(Signed)

D. MOODIE,
Secretary to Government.

By Order of the Legislative Council,

(Signed)

W. J. DUNBAR MOODIE,
Acting Clerk of the Legislative Council.

B

Transfers to Emigrants.

ORDINANCE No. 5, 1849.

(Signed) E. F. BOYS.

Vide Ord. 2, 1851;
Law 25, 1869;
and Law 4, 1872.

Ordinance for facilitating the Transfer of Small Allotments of Land to Emigrants from the United Kingdom.

Preamble.

WHEREAS, it is expedient to facilitate the transfer of land within the District of Natal to emigrants from the United Kingdom by persons making certain deposits of money in England, and thereafter purchasing lands from the Crown in order to convey the same to such emigrants, in quantities agreed upon by the parties, and stipulated with Her Majesty's Commissioners for Colonial Lands and Emigration, under the sanction of Her Majesty's Government:

Repeal of certain laws.

And whereas, it is enacted by Ordinance No. 2, 1846, entitled, "Ordinance for creating a Deeds' Registry Office for the District of Natal," that certain fees shall be payable upon the preparation of every deed of transfer; by Ordinance No. 3, 1846, entitled, "Ordinance for regulating the Payment of Transfer Duties in the District of Natal," that a duty of four per cent. upon the value shall be payable upon every sale or change of ownership of immovable property in this District; and by Ordinance No. 10, 1847, entitled, "Ordinance for levying certain Duties upon Licenses, and in lieu of Stamps within the District of Natal," that certain duties shall be payable in lieu of stamp duty upon every transfer of landed property in this District; and whereas, the total amount of the said fees and other charges would, relatively to the extent and original price of their respective allotments, be unduly burthensome upon such emigrants:—

First transfer.

1. Be it therefore enacted, by the Administrator of the Government of the District of Natal, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, the said Ordinances Nos. 2 and 3, 1846, and No. 10, 1847, shall, in so far only as may concern the first transfer and registration of transfer to emigrants from the United Kingdom of the quantities of land which the intending purchasers may have stipulated, with the sanction of the said commissioners, to deliver to such emigrants, be repealed, and the same are hereby in so far and no further repealed accordingly.

Title deed to be made in favour of purchaser.

2. And be it enacted, that from and after the promulgation of this Ordinance, the title deed of every piece of land thereafter purchased from the Crown shall, after full payment of the purchase-money and expenses of survey, be issued in the name of the purchaser; and in the case of such previous deposit having been made, in the name of the person certified by the said commissioners to have made such deposits; and shall be delivered to him or to his duly constituted agent at the office of the Surveyor General, upon payment of a fee of twenty shillings sterling and no more, and every such grant shall, previous to its delivery, be enrolled in the District Court, upon payment to the Registrar of such Court by the grantee of a fee of five shillings sterling and no more.

Transfers to Emigrants.

3. And be it enacted, that whenever any such purchaser of Crown land shall have obtained his legal title in manner aforesaid, and shall have caused to be correctly surveyed the several allotments of the land therein comprised which he has stipulated to deliver to such emigrants respectively, and shall have lodged in the office of the Registrar of Deeds triplicate diagrams of any such allotments, certified by a duly authorised surveyor, and shall have executed in favour of the parties entitled to such allotments a legal and valid transfer of the lands to which they were entitled respectively, the Registrar of Deeds shall publish in the *Government Gazette* a list of the said transfers, with a notification to the transferees by name respectively that the titles of their several allotments are ready for delivery, upon proof that they have respectively fulfilled the conditions, whether in respect of the surveying expenses or otherwise, upon which it had been agreed that the said allotments were to be delivered, and the transfers of the said allotments of land shall, if applied for within three months from the date of the notification, be delivered to the transferees or their duly appointed agents without any fee or charge whatsoever; anything in any of the said Ordinances Nos. 2 and 3, 1846, and No. 10, 1847, to the contrary notwithstanding.

What delivery of allotments.

4. And be it enacted, that upon the publication of any such notification as aforesaid, the said purchaser or his agent as the case may be shall be held in law to have in so far fulfilled his said obligation as to have delivered to the parties mentioned in such notification the extent of land specified in such deed of transfer and notification, and shall become entitled to receive such certificate as may be necessary in order to entitle him to the repayment, from any deposit made by him for that purpose, of such sum as the said commissioners may have agreed to repay to him upon proof of delivery of any such allotments of land to the respective parties.

When purchaser shall be deemed to have fulfilled obligation.

5. And be it enacted, that every such emigrant as aforesaid who shall not appear in person or by his duly appointed agent at the office of the Registrar of Deeds, and upon due proof that he has fulfilled his part of the contract as aforesaid, take out the transfer of his stipulated allotment of land within three calendar months from and after the publication of such notification as aforesaid, shall be held to have deprived himself of the facilities and advantages afforded him by the provisions of this Ordinance in respect of such transfer, and shall not thereafter be permitted to take out the said transfer, except upon the payment of the same amount of transfer duty, fines for non-payment of the same within six months (to be reckoned from the date of the said notification), registration fees, and stamp duties, or duties in lieu of stamps, as are provided in the case of all other transfers of immoveable property by the said Ordinances Nos. 2 and 3, 1846, and No. 10, 1847.

Emigrants failing to take out transfers.

6. And be it enacted, that any such emigrant who shall fail to pay such expenses as may have accrued in manner aforesaid upon any such transfer, and may suffer the same to be unclaimed for twelve months from and after the date of such notification as aforesaid, shall be held to have forfeited all right and title to the land so transferred, and any such transfer shall be, *ipso facto*, cancelled by

When lands forfeited.

Transfers to Emigrants.

the said lapse of twelve months; and in every case in which the certificate mentioned in the 4th section of this Ordinance, entitling the purchaser to the repayment of deposit, shall have been issued, such land shall be held to have reverted to the absolute disposal of the Crown, and neither any original purchaser of such land who may have received such certificate as aforesaid in respect of such land, or the emigrant to whom delivery had, under the provisions of this Ordinance, been duly made by such original purchaser shall have any claim, right, or title thereto, or to any compensation for the same, but shall be treated in every respect as if no such sale by the Crown, or no such delivery to the emigrant under the provisions of this Ordinance, had ever taken place: Provided always, that in any case in which it shall appear that the original purchaser has not received such certificate as aforesaid, or that previously to the enactment of this Ordinance he would have been entitled to a direct and substantial interest in any such forfeited allotment, the same shall revert to the original purchaser and not to the Crown: and provided also, that notwithstanding any such forfeiture as aforesaid, the original purchaser shall be entitled to repayment of the amount of such sum for surveying expenses as may be due and owing in respect of such land, and as, under his original agreement, he would have been entitled to demand from the party in whose favour delivery had been effected in the manner provided in the 4th section of this Ordinance.

Special agree-
ments not
affected.

7. Provided nevertheless, and be it hereby enacted, that nothing in this Ordinance contained shall be held to affect any special agreement which may have been entered into by the parties as to the purchase by private contract of additional land, or as to the situation or quality of the land to be transferred; and that the provisions of this Ordinance shall not extend to any subsequent change of ownership, or to any alienation of immoveable property within this District other than the first or original transfer to emigrants from the United Kingdom of the quantities of land to which they may be respectively entitled, by virtue of any agreement between them and intending purchasers of Crown land, which agreement has been duly sanctioned by Her Majesty's Government as aforesaid.

Ordinance, when
to commence.

8. And be it further enacted, that this Ordinance shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

God save the Queen !

Given at Pietermaritzburg, in the District of Natal, this 29th day of October, 1849.

By command of His Honour the Administrator of the Government,

(Signed)

D. MOODIE,
Secretary to Government.

By order of the Legislative Council,

(Signed)

W. J. DUNBAR MOODIE,
Acting Clerk of the Legislative Council.

Masters and Servants.

ORDINANCE No. 6, 1849.

Ordinance for imparting to Aliens residing within the District of Natal some of the Privileges of Naturalization.

Repealed by Ordinance No. 3, 1851, § 8.

ORDINANCE No. 1, 1850.

Ordinance for enabling the Lieutenant Governor to establish Pounds.

Repealed by Law No. 25, 1874, § 45.

ORDINANCE No. 2, 1850.

(Signed) E. F. BOYS.

Ordinance for regulating the relative rights and duties of Masters, Servants, and Apprentices.

WHEREAS, it is expedient to regulate the relative rights and duties of masters, servants, and apprentices, and to provide for the protection of the labouring classes: Preamble.

1. Be it therefore enacted, by the Administrator of the Government of the District of Natal, with the advice and consent of the Legislative Council thereof, that, after the taking effect of this Ordinance, the various rules and regulations enacted and comprised in the chapters hereinafter contained, shall henceforth be observed, and shall have the full force and effect of law in this District.

2. And be it further enacted, that for the purposes and within the meaning of this Ordinance, unless it be otherwise specially provided, or there be something in the subject, or in the context, repugnant to such construction: Definition of terms.

- | | |
|---|----------------------|
| 1st. The officer lawfully administering the government of this District, shall be deemed and taken to be the Lieutenant Governor thereof. | Lieutenant Governor. |
| 2nd. The word "servant" shall be construed and understood to comprise any person employed for hire, wages, or other remuneration, to perform any handicraft, or other bodily labour, in agriculture or manufactures, or in domestic service, or as a boatman, porter, or other occupation of a like nature. | Servant. |
| 3rd. The word "apprentice" shall be construed and understood to comprise any person indentured or bound by any contract of apprenticeship, made according to law, as apprentice to any other person. | Apprentice. |
| 4th. The word "master" shall be construed and understood to comprise any person, whether male or female, em- | Master. |

Masters and Servants.

- playing for hire, wages, or other remuneration any person falling within the before-mentioned definition of the word "servant," or to whom any person falling within the before mentioned definition of the word "apprentice," shall have been indentured or bound by any contract of apprenticeship made according to law.
- Contract of service; apprenticeship.** 5th. The words "contract of service" and "contract of apprenticeship" shall respectively be construed and understood to comprise any agreement, whether oral or written, whether expressed or implied, which any person falling within the before mentioned definitions of the words "servant" or "apprentice" shall have respectively entered into or made according to law with any person falling within the before-mentioned definition of the word "master," for the performance of any work or labour of any kind hereinbefore mentioned.
- Agricultural labour or occupation.** 6th. The words "agricultural labour or occupation," shall be construed and understood to comprise and comprehend, not only all labour and occupation in agriculture properly called, but also all labour and service employed in the rearing and tending of the live stock, kept by any breeder or grazier of cattle or sheep.
- Magistrate.** 7th. The words "Magistrate" and "Magistrates" shall be construed and understood to comprise the Resident Magistrates, duly appointed for the different divisions of this District, and none other.
- This District.** 8th. The words "this District" shall be construed and understood to comprise all territories whatsoever, which are dependent on the District of Natal, and subject to the Government thereof.
- Month.** 9th. The word "month" shall be construed and understood to comprise the period of one calendar month.
- Singular; masculine.** 10th. All words in this Ordinance and in the various rules and regulations hereinafter enacted, importing the singular number, or the masculine gender only, shall be construed and understood to include several persons as well as one person, and females as well as males.
- Father, parent, &c.** 11th. The words "father, parent, relative, husband, and wife," shall respectively be construed and understood to comprise reputed fathers, parents, relatives, husbands, or wives, as well as actual parents and relatives, and lawful husbands and wives.
- Officer.**
Vide Law 19,
1874, § 15. 12th. The words "officer, and proper officer," when used with reference to the attestations, or making of contracts of service or apprenticeship, or to the transfer and assignment of apprentices, shall be construed and understood to comprise every person who shall have been appointed by the Governor to attest or make such contracts.

Masters and Servants.

CHAPTER I.

*On the formation, duration, &c., of contracts.*Vide Law 23,
1865.

1. [Repealed by Ordinance No. 13, 1852, § 1.]

2. Every contract of service, whether oral or written, the term of endurance of which shall not have been expressly specified and limited by such contract, shall, in the absence of sufficient proof to the contrary, be deemed and taken to be for the term of one month from the commencement thereof, save and except contracts for service in any trade or handicraft, whereby it shall not have been stipulated that the servant shall, during the term thereof, reside in the house, or on the premises of the master, which shall be deemed and taken to endure only until the night of Saturday of the week, on any day of which it shall have been stipulated that the service shall commence, and contracts for executing any particular piece of work, specified in the contract, which shall expire so soon as the work is finished; and, when the work is not finished within a reasonable time, may be put an end to by the master, after the lapse of a period of time reasonably sufficient for finishing such work.

Duration of un-
defined periods
of contract.

3. No oral contract of service shall be valid or binding for any longer term than one year from the period stipulated for the commencement of the service in any case.

Oral contracts.

4. No contract shall be valid or binding for a longer period than one year from the date thereof, except the same be signed by the name, or, in case of illiterate persons, with the mark of the contracting parties, in the presence of a Magistrate, or other proper officer, nor unless such Magistrate or officer shall subscribe such written contract, in attestation of the fact that it was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect.

Contracts not
signed before a
Magistrate.

5. No such contract, so entered into before a Magistrate, or other proper officer, shall be valid or binding for a longer period than three years from the date thereof, in any case.

Contracts signed
before a Magis-
trate.

6. All contracts of service, entered into before a Magistrate, or other proper officer, shall be drawn up, as nearly as possible, in the following terms:—

Form of con-
tract.*Form of Contract before Magistrate.*

“Be it remembered, that on this day of
“in the year of our Lord, A. B., of and
“C. D., of , appeared before me, E. F. (*Resident*
“*Magistrate, or officer specially appointed by the Governor*
“*to attest contracts of service for the District, as the case*
“*may be, with his usual description*), and, in my presence,
“signed their names (*or made their marks, as the case may*
“*be*), to the following contract of service:—

“The said A. B. agrees to hire the services of the said
“C D., and the said C. D. agrees to render to the said A. B.
“his services, at all fair and reasonable times, and in the
“capacity of , for commencing
“on the of , in the
“year .

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"And be it further agreed, that the said A. B. shall pay
 "to the said C. D., as such servant as aforesaid, wages after
 "the rate of _____, by the (*day, week, month, or year,*
 "*as the case may be*), and that such wages shall be paid on
 "the _____ day of each week (*or month, as the case*
 "*may be*. [Here add any special agreement compatible
 "with the law, and not adverted to in this form.]

"(Signed) A. B.
 "C. D.

"The preceding agreement was signed by the above named
 "parties, in my presence, on the day and year above written,
 "voluntarily, the same being, as far as I am able to judge,
 "understood by them respectively.

"(Signed) E. F.,
 "Resident Magistrate, (*or officer specially*
 "*appointed by the Governor to attest*
 "*contracts of service for the District*)."

Monthly
 contracts.

7. No contract of service, by the month, shall be deemed and taken to have expired, until at least one month's notice shall have been given, by either of the parties, to the other party, unless it has been expressly stipulated that no such notice shall be necessary: Provided always, that nothing in this section contained, shall be construed so as to require that the party, giving such month's notice, shall determine the contract of service, only at the end of some successive month thereof, or at any particular day or time whatever; and provided also, that nothing in this section contained shall be construed so as to enable any party, or any contract of service, to determine the same before the expiration of the term of service originally agreed upon.

Notice given and
 waived.

8. When any such notice, as is hereinbefore mentioned, shall have been given by either of the parties to the other, and the master shall suffer the servant to remain, or the servant shall remain in his service fourteen days after the day on which the notice was given, that the contract of service should expire, such notice shall be deemed and taken to have been withdrawn, and passed from, and the contract of service shall continue to endure as long, and in like manner, as if no such notice had been given, unless it shall have been otherwise expressly and specially agreed between the parties.

When master
 shall be deemed
 to have engaged
 to provide food,
 &c.

9. In all contracts, whether oral or written, by which it is stipulated that the servant shall reside on the premises of his master, and wherein it shall not be expressly provided that the master is not to supply food and lodging, the master shall be deemed and taken to have engaged to provide such servant, and such of his family, if any, as shall have been included in manner hereinafter mentioned in section 13 of this chapter, with lodging and sufficient food of good and wholesome quality during the continuance of the contract.

Wages payable
 as agreed.

10. No servant's wages, if contracted for in money, may be paid in kind, or if contracted for in kind may be paid in money, or in any other than the stipulated kind, except by the express consent of the servant,

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11. In case of any complaint for non-payment of wages due and payable by virtue of any contract of service being brought before a Magistrate or other competent Court by any servant, and when the rate of wages at which such contract was made shall not be proved to the satisfaction of such Magistrate or Court, such Magistrate or Court is hereby required to fix the rate of wages at that usually paid in the District or place in which the service for which the wages are claimed was performed, reference being had to the skill and ability of the servant.

Magistrate may
fix rate of wages.

12. When any servant shall, in consequence of any sickness or accident, be rendered incapable of performing his master's service, he shall not be entitled, in the absence of any special provision in the contract, to receive his wages, except such as shall be already due: Provided, however, that the master shall be bound to provide such servant, if residing or being on his premises, with proper and sufficient food during such incapacity of the servant for a period of two months, when he shall be at liberty to treat and consider the contract of service as determined and rescinded to all intents and purposes whatsoever.

Servants' sick-
ness.

13. All contracts of service stipulating for the services of the wife of any servant together with those of her husband shall be made and executed by her in like manner as the same shall be made and executed by her said husband; and it shall be lawful for the father, or in the event of his death or absence then for the mother, of any child under the age of sixteen years to contract for the service of such child, together with his own, in like manner as such person may contract for his own services.

Contracts for the
service of the
wives and chil-
dren of servants.

14. On the death of any person, being at the time, together with his wife and any child, under contract as aforesaid, the contract shall become null and void in respect to such wife and children at the expiration of one month after the death of such person.

Death of female
servant's hus-
band.

15. It shall not be lawful for any person entering into any contract of service by which it is stipulated that the servant shall himself reside on the premises of the master, to keep his wife and children on the premises of his master, unless when the master shall have also stipulated in such contract that this shall and may be done: Provided, that when the master shall have so stipulated, it shall not be lawful for him to claim the services of any such wife or child, by reason merely of their residence on his premises.

Servant's family
not to reside on
master's premises
without consent.

CHAPTER II.

On the Apprenticeship of Children.

1. No contract of apprenticeship shall be valid unless at the time of its being entered into it shall have been reduced into writing, and signed with the name or, in case of illiterate persons, with the mark of the master and parent or guardian as the case may be of the apprentice, and also of the apprentice if of the full age of sixteen years.

Contracts, how
to be signed.

Masters and Servants.

Agricultural
apprentices.

2. No contract of apprenticeship by which any child under sixteen years may be apprenticed as an agricultural labourer shall be valid for any longer period than until such child shall have attained the full age of sixteen years.

Children not
destitute how to
be apprenticed.

3. Children, not being in a state of destitution, above the age of ten and under the age of sixteen years may be apprenticed by their fathers, or in the case of fatherless children by their mothers, or in the case of orphans having guardians by their guardians, until they shall have attained their twenty-first year, or for any shorter period; and due provision for the maintenance, clothing, and instruction of every such apprentice shall be made in the contract of apprenticeship: Provided always, that every contract of apprenticeship whereby any child under the age of ten years, not being in a state of destitution, shall be apprenticed, or attempted so to be, shall be null and void to all intents and purposes whatsoever.

Apprentices
above sixteen.

4. Any person of the full age of sixteen years or upwards may by his own consent be apprenticed for any term not exceeding five years to any trade in the practice of which any peculiar art or skill is required, but not otherwise.

Destitute chil-
dren to be sent
to the Field-
cornet, &c.

5. When any parent or parents shall abandon or desert, or by death shall leave in a state of destitution any child under the age of sixteen years, the person with whom such child shall have been so left, or by whom such child shall be found in such a state of destitution, shall, with all convenient speed, deliver the same to the nearest Fieldcornet, or directly to the Magistrate, or other proper officer, if the residence or office of such Magistrate, or officer, shall be nearer to the place where such destitute child was so left or found, than is the residence of the nearest Fieldcornet, in order that means may be taken for providing for the maintenance and education of such child, by apprenticeship, in manner hereinafter mentioned; and if any person shall be duly convicted, by any Magistrate, or other competent Court, of detaining in his possession or employment, any such destitute child as aforesaid, for a longer period than one month, every such person shall forfeit and pay, at the rate of twenty shillings for each month that such child shall have been so detained; and every such sum so forfeited, shall be paid, applied, and accounted for, in like manner as is provided in section 13, of chapter II. of this Ordinance.

Fieldcornet to
send children to
Magistrate, &c.

6. Every such child as aforesaid, who shall be delivered up to any Fieldcornet, in manner aforesaid, shall, with all convenient speed, be, by such Fieldcornet, removed to the residence or office of the nearest Magistrate, or other proper officer, and delivered over to such Magistrate, or other officer as aforesaid; and the said Magistrate or officer to whom any such child shall be delivered over by any Fieldcornet, or other person, shall, unless when it shall be made to appear to him that the child is actually not in a state of destitution, or is able to earn his own livelihood—in either of which events he shall decline to act in the case—cause such child to be lodged and provided for at the public cost, until he shall have sufficiently ascertained, by inquiry—which he is hereby required to cause to be made—whether such child have any relative able and willing to maintain and take care of him; and if he shall discover any such

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relative or relatives, he shall, at his discretion, apprentice such child, either to the sole relative, or to that one, among the several relatives, of whom it shall appear most for the interest of such child to become the apprentice; or he shall apprentice him, as soon as a suitable opportunity can be found, to some other fit and proper person, until he shall have attained his eighteenth year, or, in case of females, until their sixteenth year, or for any shorter period that may be deemed advisable, due regard being had to the provisions of the 2nd section of this chapter, as to the time for which alone children may be apprenticed as agricultural labourers.

7. Due provision for the maintenance, clothing, and instruction of every destitute child, so apprenticed, shall be made in every such contract of apprenticeship, and suitable wages shall also be therein stipulated for, whenever such Magistrate, or other proper officer, shall deem that the child's service, in any part thereof, will be worth wages, and, in apprenticing every such child, either to a relative or a stranger, it shall be the duty of such Magistrate or officer, to make the best terms he can for such child.

Provision for
destitute
children.

8. All such contracts, for the apprenticeship of destitute children as aforesaid, shall be drawn up, as near as possible, in the following terms :—

Form of con-
tract.

Form of contract in apprenticing destitute children.

“This contract of apprenticeship of A. B., of (*here insert the designation of A. B., as accurately as possible*), a destitute child, witnesseth that C. D. (*here describe C. D. as the Resident Magistrate, or as the officer specially appointed by the Governor to attest such contracts of apprenticeship for the District, as the case may be*), pursuant to the Ordinance No. 2, 1850, in that case made and provided, does, by these presents, apprentice the said A. B., aged years, or thereabouts, to E. F., of (*here insert the designation of E. F., as accurately as possible*), with him to dwell and serve as an apprentice, until, or for, as the case may be (*here insert the age at which the apprenticeship is to determine, or the term for which it is to endure*), during all which time, the said apprentice shall faithfully and honestly serve and obey his master; and the said E. F., for himself, his heirs, and executors, does hereby covenant and agree, with the said C. D., for and on behalf of the said A. B., that he, the said E. F., shall teach and instruct, or cause to be taught and instructed, the said A. B., in the (*here insert the particular trade or occupation*), in the best manner that he can, during the said term, and shall also duly provide, or cause due provision to be made for the education and religious instruction of the said A. B., to the best of his ability; and shall, during the said term, provide the said apprentice with suitable and sufficient food, washing, lodging, and all other things necessary and fit for such apprentice; and shall also pay, as wages, to the said apprentice, the sum of (*here insert the terms at which the wages stipulated are to be payable*), and also that the

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"said E. F. shall not assign or transfer the said apprentice to any other person, during the said term, without the consent, in writing, first had and obtained, of the Magistrate, or other proper officer, having power and authority to give such consent.

"In witness whereof, we, the said C. D., and E. F., have set our hands, at _____, on this, the _____ day of _____, 18 (here insert the signatures or marks of the parties), in the presence of _____ (here shall be inserted the signatures of at least two witnesses, who have witnessed the execution of the contract)."

Contracts made by one Magistrate to endure in favour of his successor.

9. In case the Magistrate or other proper officer, by whom the contract, for the apprenticeship of any such destitute child as aforesaid, shall have been entered into as aforesaid, shall, by death or otherwise, cease to act as such Magistrate or officer, then, and in that case, all the provisions and covenants, in such contract of apprenticeship contained, shall endure in favour of the successor of such Magistrate or officer, duly appointed, and such successor shall and may sue upon, and take, all other benefit or advantage whatsoever, of such provisions and covenants, in like manner as if such successor had been himself the person by whom such contract as aforesaid was originally made.

Contracts to be signed in triplicate.

10. Every such last mentioned contract of apprenticeship shall be made and signed as aforesaid in three parts; one of which parts shall be given to the master, and one to the apprentice, and the third part shall be filed and registered in the office of the Magistrate, by whom it is attested, or where it shall have been attested, by any other officer, specially appointed as aforesaid, an entry of it shall be made in a book to be kept by him for that purpose, and the said third part shall be transmitted to the Magistrate of the division in which the master, by whom such contract has been made, usually resides, to be filed and registered in his office.

Consent to assignment of apprentice.

11. No master shall, or may, assign or transfer any apprentice, having been apprenticed as aforesaid, by any such Magistrate or other proper officer, as aforesaid, to any other person, without the consent, in writing, first had and obtained, of the Magistrate or other proper officer of the division in which such master resides; and in case such apprentice shall be of the age of sixteen years or upwards, without the consent of such apprentice himself.

CHAPTER III.

Vide Law 28, 1845.

Respecting the effects of the death of the master, or servant, or apprentices; of the insolvency or change of residence of the master; and of the marriage and pregnancy of female servants and apprentices.

Insolvency of master.

1. The death or insolvency of the master of any apprentice shall be a complete discharge of the contract of apprenticeship, unless in the case of insolvency, by the consent of the apprentice, or his parents or guardians, such contract shall be agreed to be continued.

Masters and Servants.

2. The wife of the deceased master of every servant, hired or contracted to perform service as a domestic, is entitled, if she shall so think fit, to claim the services of such servant during the full period of the stipulated term of service, provided she shall consent to perform, and shall perform all the stipulations of the contract in favour of the servant which the master was bound to perform.

Widow of master
may continue
the contract.

3. In the event of the death or insolvency of the master of any child, who, having been in a state of destitution, shall have been apprenticed by a Magistrate or other proper officer, in the manner hereinbefore set forth, it shall be the duty of such Magistrate, or other proper officer, in case such apprentice shall, at the time of the death or insolvency, of his former master, be under the age of sixteen years, and unable to support himself, to re-take the charge and care of such child; and if it shall be deemed expedient to apprentice again the said child for any term within the limits prescribed by this Ordinance for the duration of apprenticeship, to such fit and proper person as such Magistrate or other proper officer, and such child, if of the age of sixteen years or upwards, shall mutually approve of and agree upon: Provided, that when such child has not attained the said age of sixteen years, his consent shall not, in any case, be necessary.

Death or insol-
vency of master
of destitute
apprentices.

4. No apprentice (save as hereafter provided as to persons apprenticed as destitute children), hired or contracted to perform service at the residence of, or at any particular place of trade or business, occupied by his master, is, in the event of his master's removing his residence or place of trade or business out of the town, or (where such place is not in any town), from the place in which, by the contract, such apprentice was bound to perform his service, to any greater distance than two miles from such town or place, where, by the stipulations of the contract, such apprentice is not bound to reside in the house, or on the premises of his master, or to any greater distance than ten miles from such town or place, where such apprentice is bound to reside in the house or on the premises of his master, bound to perform his service at the place to which his master shall have removed his residence, or place of trade or business, without the consent of the parents or guardians of such apprentice; but such consent shall, in all cases, be deemed and taken to have been given, whenever it shall be proved that such apprentice, being one not bound to reside in the house, or on the premises of the master, has performed, at the new residence or place of trade or business, of his master, any service to his master of any kind, which he was bound by the contract to perform; or being one bound to reside in his master's house or premises, has gone to, and remained in, such house, on such premises, for one week after his master's removal thereto; servants not residing on the premises shall be entitled to the same privilege of quitting the service, as is extended to apprentices under this section.

Removal of
master.

Two miles.

Ten miles.

5. The master of any apprentice, who has been apprenticed to him in manner hereinbefore provided, as a destitute child, is entitled, without limitation or restraint, to remove such apprentice to, and to exact the performance of the service stipulated in the contract, wherever such master may have removed his residence, or place of

Apprentices
must go
journeys.

Masters and Servants.

trade or business, within the division of the Magistrate by whom the contract of apprenticeship was made, or filed and registered in manner herein provided; but he is not entitled to remove such apprentice permanently out of the division of such Magistrate, unless he shall first have obtained the consent of such Magistrate; and every Magistrate by whom such consent shall be given, shall endorse the same on the third part of the contract of apprenticeship registered and filed by him; and, on such removal taking place, forthwith transmit such third part to the Magistrate of the division to which such apprentice shall be removed, to be by him duly registered and filed, in manner hereinbefore provided.

Servants must
go journeys.

6. No servant or apprentice hired or contracted to perform domestic service may lawfully refuse to accompany his master, or any of his family by desire of his master, on any journey within this District; or in the course of such journey to perform every such service as by reason of his contract of service or apprenticeship he would be bound to perform in his master's house or on his premises; and no servant or apprentice may lawfully refuse to go on any journey within this District which his master shall order him to go upon, or in charge of or to drive, herd, tend, or to take care of any carriage, horse, or any kind of cattle, the property or in the lawful possession of or under the lawful control of his master, which such servant or apprentice would, by reason of his contract of service or apprenticeship be bound to ride, drive, herd, tend, take care of or charge of at his master's residence or on his premises: Provided always, that there shall be reasonable grounds for believing that such journey may and will be performed before the expiration of the stipulated term of the service of such servant or apprentice, and that such master shall be bound to provide such servant or apprentice with food and every other thing which may be necessary and proper to enable such servant or apprentice to perform such journey, and to return to the residence or premises of the master before the expiration of the term of service.

Servant or
apprentice not
bound to go out
of the District.

7. No servant or apprentice shall be bound to accompany his master, or to go out of this District, without the consent of such servant, or of the parent or guardian of such apprentice, or, where such apprentice is of the full age of sixteen years, without also the consent of such apprentice.

Agreement as to
removals.

8. Nothing herein contained shall annul or affect any special agreement or stipulation made in any contract of service or apprenticeship, whereby the servant or apprentice shall be bound to accompany his master, or to go to any place to which the master shall remove his residence or place of trade or business, or order such servant or apprentice to go and there perform the service stipulated in such contract.

Marriage of
female servant
or apprentice.

9. When any female servant or apprentice shall be lawfully married during the currency of her stipulated term of service, her husband may, at any time subsequent to such marriage, dissolve the contract of service or apprenticeship, and remove his wife from her master's service if he shall think fit so to do; and shall be entitled to claim the wages and other remuneration which may have become due to her for services previously to such removal; the husband

Masters and Servants.

of any such servant or apprentice, so removed by him, shall be liable to her master for and in respect of any passage-money, costs, and charges incurred in the bringing of the servant or apprentice to the District; Provided, that in case the apprentice shall have been apprenticed as a destitute child, the consent of the Magistrate or other officer by whom she was apprenticed shall be first had and obtained to such marriage.

10. The master of any female servant or apprentice who during the currency of her stipulated term of service shall marry, or enter into any state which in this District is or shall be reputed to be the marriage state, shall be entitled, at any time subsequent to such marriage or reputed marriage, to dissolve such contract and dismiss such servant or apprentice.

Master may dismiss female servant after marriage.

11. It shall be lawful for any master to abate, deduct, and withhold a reasonable and proportional part of the wages or other remuneration of any of his servants or apprentices for such days or parts of days as such servant or apprentice shall have been absent from or shall have neglected his service or work without leave, or any other lawful and reasonable excuse for such absence or neglect.

Deduction of wages for absence, neglect, &c.

12. The master of any unmarried female servant or apprentice may, on the pregnancy of such unmarried female servant or apprentice, dissolve the contract of service or apprenticeship; but the master, before being entitled to dissolve such contract or dismiss such servant or apprentice, shall be bound to pay and satisfy all wages and every other remuneration which shall have become due to her previously to the date of such dismissal.

Pregnancy of female servant.

CHAPTER IV.

Of the jurisdiction of the Resident Magistrates, &c.

1. The Resident Magistrates within this District have jurisdiction in all cases arising within their respective divisions between masters and their servants and apprentices, and with reference to their relative rights and duties, or to any matter or thing or offence as to which provision is made by this Ordinance: Provided always, that such Magistrates shall have no jurisdiction in any such case wherein the amount of the wages or remuneration or compensation or damages shall exceed the sum of twenty pounds; nor to enforce the performance of any contract of service or apprenticeship the existence or subsistence of which is denied by either of the parties in any case in which the stipulated or alleged term, or the unexpired period of the stipulated or alleged term, shall exceed one year; nor to cancel or dissolve any such contract.

Vide Law 24, 1865.

Jurisdiction of Magistrates limited.

2. Every Resident Magistrate has jurisdiction in any such case as aforesaid brought before him against any person being at the time within his division, whether the grounds of such case arose within the division or not, or whether the person against whom the case is brought has his usual residence or place of abode in that division or not; but the Magistrate shall, whenever it shall appear to him that any such case can be more conveniently tried or deter-

Magistrate may dismiss case to be tried in another division.

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Servant to be removed in custody to such division.

Punishment for neglect or improper conduct.

Vide Law 18, 1862, § 1; Law 23, 1865; and Law 12, 1872, § 11.

Vide Law 12, 1872, § 12.

Penalty for master's breach of contract.

Vide Law 18, 1862, § 1; and Law 12, 1872, § 11.

Vide Law 22, 1874, § 1.

mined by the Resident Magistrate of any other division, dismiss such case; and in the event of his doing so, when the servant or apprentice is accused of desertion, and when he shall have probable cause shown to him, by oath or affidavit of any credible person, for believing this to be the fact, such Magistrate may, if he think fit, issue a warrant for the conveyance under sure custody of such servant or apprentice to the town or place where the Court of such other Magistrate is held; provided the master shall undertake to pay the expenses of such conveyance in the first instance, the same to be thereafter deducted from the wages of the servant by order of the Magistrate having jurisdiction over the parties.

3. On complaint preferred, and proof made, before any Resident Magistrate, having jurisdiction over the parties, that any servant or apprentice has refused or neglected to perform his stipulated work, or that he has performed it negligently or improperly, or that, by negligence or other improper conduct, he has injured the property of his master, entrusted to his care, or that he has behaved to his master with violence or insolence, or that he has been guilty of scandalous immorality, or of drunkenness, desertion, or other gross misconduct, the Resident Magistrate may, in his discretion, adjudge the servant or apprentice to any punishment not exceeding imprisonment for one month, with or without hard labour, and with or without spare diet, or by whipping privately, in prison, not exceeding twelve lashes, or by fine, not exceeding five pounds.

4. On complaint preferred, and proof made, by a servant or apprentice, before any Resident Magistrate, having jurisdiction over the parties, that his master has not paid the stipulated wages, or delivered the articles, if any, stipulated for in the contract of service or apprenticeship, or that the articles delivered were not of the agreed amount and quality, or that, by the negligence or other improper conduct of the master, the contract of service or apprenticeship has not been by him faithfully performed, or that the master has ill-used the servant or apprentice, the Resident Magistrate may make order for the payment of the wages in arrear, or for the delivery of the stipulated articles, or for compensation to be made to the servant or apprentice, for any injury sustained by such negligence or improper conduct of the master, or by his non-fulfilment of the contract, or by his ill-usage as aforesaid; and if such order be not complied with, according to the exigency and tenor thereof, the Resident Magistrate shall and may issue a warrant for the seizure and sale of the goods of the master, or so much thereof as may be requisite for making such payment or compensation; and it shall be lawful for the officer who shall execute such warrant, or for any other officer, subject to the order and control of such Magistrate, to sell, by way of auction, without taking out any license for that purpose, all such goods as shall have been seized, and shall be sold in execution, and every such officer shall render the overplus, if any, of such sale, to the master, and, failing any sufficient distress, the Resident Magistrate shall, and may, make order for the commitment of the master to prison, for any time not exceeding one month, unless such compensation or payment be sooner made; the Resident Magistrate may also, in any of the cases aforesaid, if he shall see fit, order the

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contract of service or apprenticeship to be cancelled, either in addition to, or in substitution for, any such order as aforesaid: Provided, that the stipulated or alleged term, or unexpired period of the stipulated or alleged term of service, shall not exceed one year.

Contract may be cancelled by the Magistrate.

5. When it shall be made to appear to the satisfaction of any Magistrate that any servant or apprentice preferring any such complaint as aforesaid is from poverty unable to pay the costs of any summons or process or the execution thereof, then the said Magistrate shall cause such summons or process to be issued and executed free of all charge and expense whatsoever; and if, upon the investigation of such complaint, such Magistrate shall adjudge and find the same to have been vexatious, it shall be lawful for such Magistrate, if he shall think fit, to commit the complainant to prison, with or without hard labour, for any time not exceeding fourteen days, or to forfeit to his master any part of his wages, not exceeding one month's wages, or to both such imprisonment and forfeiture.

Servant may sue in forma pauperis.

Vexatious complaints.

6. In any case between a master, and his servant or apprentice, in which the Resident Magistrate shall have given judgment in favour of such servant or apprentice, and such master shall appeal from such judgment, or apply to have the same reviewed, it shall be the duty of the Crown Prosecutor to appear for, and conduct the case of, such servant or apprentice, free of all charge and expense whatsoever.

Appeal or review.

CHAPTER V.

Definition and punishment of unlawful interference with servants or apprentices, in order to prevent them from entering into, or completing, contract of service or apprenticeship.

1. Any person who shall, by violence to the person or property, or by threats, or intimidation, or by molesting, or in any way obstructing another, force, or endeavour to force, any servant or apprentice to depart from his service or work, or to return his work to his master before the same shall be finished, or to prevent, or endeavour to prevent, any servant, or other person, not being hired or employed, from hiring himself to, or accepting, service or work from any person; or force or induce, or endeavour to force or induce, any such servant or apprentice, or other such person, to belong to any club or association, or contribute to any common fund; or shall use or employ violence to the property of another, or threats of intimidation; or shall molest, or in any way obstruct another, on account of his not belonging to any particular club or association, or not having contributed, or having refused to contribute, to any common fund, or to pay any fine or penalty, or on account of his not having complied, or of his refusing to comply, with any rules, orders, resolutions, and regulations, made to obtain an advance, or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, business, work, or labour, or the management thereof; or who, by any such violence, threats, intimidations,

Unlawful interference with the servants of others.

Clubs, &c.

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molestation, or obstruction, shall force, or endeavour to force, any manufacturer, or person carrying on any trade, business, work, or labour, or engaged in agriculture, to make any alteration in his mode of regulating, managing, conducting, or carrying on the same, or to increase, or to limit the number of his apprentices or servants, shall, on conviction thereof, before any Resident Magistrate, or other competent Court, be imprisoned, with or without hard labour, for any period not exceeding three months.

Enticing ser-
vants.

2. Any person who shall directly or indirectly, by the offer of higher wages or greater benefits, or otherwise, induce any servant or apprentice to leave his service, shall, on conviction thereof, before any Resident Magistrate, incur and be liable to a fine not exceeding ten pounds; and, in default of payment, to imprisonment, with or without hard labour, for any period not exceeding three months.

Meetings to
consult on rates
of wages.

3. Provided always, that nothing herein contained shall extend to subject to punishment any persons who shall meet together for the sole purpose of consulting upon, and determining, the rate of wages or prices, which the persons, present at that meeting, or any of them, respectively, shall require or demand for his or their service or work, or shall pay his or their servants or apprentices for their service or work, or who shall enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices, which the persons entering into such agreement, or any of them, shall require or demand, for his or their service or work, or pay to his servants or apprentices for their service or work, or of fixing the number of hours of work which he or they will work, or will require his or their servants or apprentices to work in any manufacture, trade, business, labour, or agriculture, and that no such persons, so meeting together or entering into any such agreement as aforesaid, shall be liable to any penalty or prosecution for so doing.

CHAPTER VI.

Respecting the character given or to be given by masters to their servants and apprentices.

Servants'
characters.

1. No master is bound to give a character to any servant or apprentice who is or has been in his service, or to assign any reason for refusing to give it.

Damages for
false character.

2. Every master who shall knowingly have given any false character of any servant or apprentice is liable to make compensation for any loss or damages which any third party, who, by reason of such character so given has been induced to take such servant or apprentice into his service, has sustained by the misconduct of such servant or apprentice in any respect, or with reference to any matter to which such character so given was false.

Forging
characters.

3. Every person who for the purpose of giving a character to any servant or apprentice, or other person intending to offer himself to be hired as a servant, shall forge or counterfeit and utter any certificate of such servant's or apprentice's character, or shall falsely

Masters and Servants.

personate any other person, and, as such, either personally or by writing give any false, forged, or counterfeit character of any such servant, apprentice, or other person offering or intending to offer to hire himself as a servant; and every person who shall offer to hire as a servant asserting or pretending that he has served in any service in which he has not actually served, or with a false, forged, or counterfeit certificate of character, or shall in any wise add to or alter, by effacing or erasing or inserting any word or date, in any certificate given to him by his present or any former master, or by any other person duly authorised by any such master to give the same, and shall use or attempt to use the same as an inducement to hire him, shall, on conviction thereof, incur and be liable to a fine not exceeding fifty pounds nor less than ten pounds, or to be imprisoned for any period not exceeding one year nor less than one month, or to both such fine and imprisonment.

CHAPTER VII.

Regulations for the better protection of servants and apprentices.

1. Every master having in his service any servant or apprentice shall forthwith give notice to the nearest Fieldcornet of the death of any such servant or apprentice, and of the death of any of his children or relatives residing on the premises, setting forth their several names and ages; and shall in like manner give notice of any births that shall take place by or in the family of any such servant or apprentice on his premises, setting forth the sex of the child, the mother's name, the name of the child (if any); and every master who shall neglect to give such notice of any such death or birth as aforesaid shall forfeit and pay the sum of ten shillings sterling for every death or birth neglected to be so reported. Notice of deaths of servants, &c.

2. Every Fieldcornet shall make a half-yearly return to the Civil Commissioner of the division to which he belongs of the deaths and births within his Fieldcornetcy so reported to him in manner aforesaid. Half-yearly return of deaths.

3. And be it further enacted, that this Ordinance shall take effect from and after the publication thereof in the *Government Gazette* of this District. Date of Ordinance taking effect.

God save the Queen !

Given at Pietermaritzburg, in the District of Natal, this 21st day of March, 1850.

By command of His Honour the Administrator of the Government,

(Signed) D. MOODIE,
Secretary to Government.

By order of the Legislative Council,

(Signed) W. J. DUNBAR MOODIE,
Acting Clerk of the Legislative Council.

Licenses and Stamps.

ORDINANCE No. 3, 1850.

(Signed) E. F. BOYS.

*Ordinance for repealing the Ordinance No. 10, 1847, and for levying Duties upon Licenses and certain Stamp Duties.***Preamble.**Ordinance No.
10, 1847, repealed.

1. WHEREAS, it is expedient to levy within this District certain duties upon licenses and certain stamp duties: Be it therefore enacted, that from and after the date upon which this Ordinance shall take effect, the Ordinance No. 10, 1847, entitled, an "Ordinance for levying certain Duties upon Licenses and in lieu of Stamps within the District of Natal," and the proclamation of the Lieutenant Governor, dated the 15th September, 1847, issued in pursuance of the said Ordinance shall be repealed, and the same are hereby repealed accordingly.

Schedule A.

2. And be it enacted, that from and after the date upon which this Ordinance shall take effect, the charges in the annexed Schedule (marked A), affixed to the several trades, occupations, callings, matters, or things therein specified shall be paid by the persons exercising such trades, occupations, or callings, or performing or possessing such matters or things.

Schedule B.

3. And be it enacted, that all the instruments, documents, and papers specified in the annexed Schedule (marked B), shall, from and after the date upon which this Ordinance shall take effect, be chargeable with the amount of stamp duty therein affixed to them respectively.

Penalty.

4. And be it enacted, that if any person who should in conformity with this Ordinance take out any certain license shall be proved to have exercised, without having previously taken out the particular license in that behalf required, the trade or calling, or to have performed or possessed any matter or thing in respect of which a license was required, such person shall, for every such offence, forfeit any sum not less than twice the amount and not exceeding four times the amount of the charge or duty payable for or in respect of the taking out the particular license which such persons should have taken out or possessed; and in default of payment thereof shall be liable to imprisonment, with or without hard labour, for any time not exceeding one month.

SCHEDULE A.

FOR PRIVILEGES AND LICENSES.

Licenses, &c.						£ s. d.		
A. Butchers	...	...	...	...	...	3	0	0
B. Bakers	...	...	...	...	...	3	0	0
C. For each public billiard-table	...	...	...	...	...	7	10	0
D. Special license to be united in marriage without the publication of banns	...	...	...	...	...	3	10	0

Licenses and Stamps.

	£	s.	d.
E. License to keep a retail shop	1	10	0
F. Admission of notaries	7	10	0
G. Civil servants on their letters of appointment or promotion (except appointments upon which stamp duty has been charged in England), when their salaries amount to no more than £90 ...	0	3	0
£90 to £180	0	10	0
180 „ 450	1	10	0
450 and upwards	3	0	0

SCHEDULE B.

TARIFF OF STAMPS OR DUTIES IN LIEU OF STAMPS.

Stamps.

Deeds and other Papers connected with the District and Inferior Courts.

	£	s.	d.
Original sentences	0	3	0
Copies of ditto	0	0	9
Summonses	0	0	9
Petitions to the District Court	0	1	6
Affidavits in ditto	0	1	6
All copies or extracts	0	0	9
Arrests on persons or property	0	1	6
Acceptances, Promissory Notes, or Private Bonds filed or exhibited in the District Court for the sake of recovery, to pay a duty of half the amount of that directed to be paid for Bonds executed before a Notary Public, in like proportion to their amount.			
Summonses in Inferior Courts, when the amount does not exceed £7 10s.	0	0	4
Exceeding that amount	0	0	9

Transfers passed in the Office of the Registrar of Deeds.

Deeds.

From	£	s.	d.	to	£	s.	d.		£	s.	d.
	1	0	0		7	10	0	...	0	0	3
	7	10	0	„	18	15	0	...	0	0	9
	18	15	0	„	37	10	0	...	0	1	6
	37	10	0	„	75	0	0	...	0	3	0
	75	0	0	„	187	10	0	...	0	6	0
	187	10	0	„	300	0	0	...	0	12	0
	300	0	0	„	375	0	0	...	0	15	0
	375	0	0	„	500	0	0	...	1	2	6
	500	0	0	„	750	0	0	...	1	10	0
	750	0	0	„	1,250	0	0	...	2	5	0
	1,250	0	0	„	1,875	0	0	...	3	0	0
	1,875	0	0	„	2,500	0	0	...	3	15	0
Upwards ... ..								...	4	10	0

*Licenses and Stamps.***Bonds.***Mortgage Bonds.*

	£	s.	d.		£	s.	d.		£	s.	d.
From	1	0	0	to	7	10	0	...	0	0	6
	7	10	0	"	18	15	0	...	0	1	6
	18	15	0	"	37	10	0	...	0	3	0
	37	10	0	"	75	0	0	...	0	4	6
	75	0	0	"	187	10	0	...	0	9	0
	187	10	0	"	375	0	0	...	0	18	0
	375	0	0	"	750	0	0	...	1	10	0
Upwards	...			...	...			...	2	5	0

Bonds passed before Notaries.

	£	s.	d.		£	s.	d.		£	s.	d.
From	1	0	0	to	7	10	0	...	0	0	3
	7	10	0	"	18	15	0	...	0	0	9
	18	15	0	"	37	10	0	...	0	1	6
	37	10	0	"	75	0	0	...	0	3	0
	75	0	0	"	187	10	0	...	0	4	0
	187	10	0	"	375	0	0	...	0	9	0
	375	0	0	"	750	0	0	...	0	18	0
Upwards	...			...	...			...	1	10	6
Security for bonds	...			...	...			...	0	1	0

Marriage Deeds. *Deeds for securing the Portions for Children by former Marriages.*

	£	s.	d.		£	s.	d.		£	s.	d.
From	1	0	0	to	37	10	0	...	0	0	6
	37	10	0	"	75	0	0	...	0	0	9
	75	0	0	"	187	10	0	...	0	1	6
	187	10	0	"	375	0	0	...	0	3	0
	375	0	0	"	750	0	0	...	0	6	0
Upwards	...			...	...			...	0	12	0

Pre-contracts of Marriage.

	£	s.	d.
When the sum agreed upon does not amount to more than £75	0 4 6
From £75 to £375	0 9 0
375 " 750	1 10 0
Upwards	3 15 0

Powers of Attorney.*General Power of Attorney.*

	£	s.	d.
To persons not residing in the District	0 15 0
Special, ditto, ditto	0 1 6
General power of attorney to persons within the District	0 4 6
Special, ditto, ditto	0 0 9

Licenses and Stamps.

	£	s.	d.	
Protests of Bills of Exchange, Promissory Notes, and Deeds of Insinuation and Denunciation ...	0	3	0	Protests.
Sea Protests ...	0	6	0	
Repudiation of Inheritance and Deeds of Considera- tion ...	0	0	9	Inventories, &c.
Inventories of the Estates of Deceased Persons, with- out valuation of the same, and all other Inven- tories when calculated at less than £500—first sheet ...	0	1	6	
Each subsequent sheet ...	0	0	9	
When calculated at £500 and upwards, first sheet ...	0	3	0	
Each subsequent sheet ...	0	1	6	
Inventories of Estates, with valuation, first sheet— From £1 0 0 to £37 10 0 ...	0	0	3	
37 10 0 „ 75 0 0 ...	0	0	9	
75 0 0 „ 187 0 0 ...	0	1	6	
187 0 0 „ 375 10 0 ...	0	3	0	
375 10 0 „ 750 0 0 ...	0	6	0	
750 0 0 and upwards ...	0	9	0	
Each subsequent sheet ...	0	0	6	

All accounts of the Administration of Estates by Executors, Tutors, and Guardians, or others, appointed either by order of the District Court, or by last Will, except in Insolvent Estates.

	£	s.	d.	
Where the receipts and expenditure jointly amount to more than £7 10s. and are under £30 ...	0	0	3	Administration of Estates.
From £30 to £75 ...	0	0	9	
75 „ 150 ...	0	1	6	
150 „ 300 ...	0	3	0	
300 „ 500 ...	0	6	0	
500 „ 750 ...	0	9	0	
750 „ 1,000 ...	0	15	0	
1,000 „ 1,500 ...	1	1	0	
1,500 „ 2,000 ...	1	10	0	
2,000 „ 2,500 ...	1	17	6	
2,500 „ 3,000 ...	2	5	0	
3,000 „ 4,000 ...	3	0	0	
4,000 „ 5,000 ...	4	10	0	
5,000 „ 7,500 ...	6	0	0	
7,500 „ 10,000 ...	7	10	0	
10,000 and upwards ...	12	10	0	

Agreements and other Deeds passed before Notaries, on the Original Agreements.

	£	s.	d.	
Contracts of apprenticeship ...	0	1	6	Deeds.
Copies of ditto ...	0	0	9	

Licenses and Stamps.

	£	s.	d.
Contracts of sale and purchase of moveable or immoveable property, according to the value or consideration, in like proportion as Bonds executed before Notaries, for the original; and half the amount for copies.			
Charterparties, for a ship under two hundred tons burthen	0 15 0
Upwards of two hundred tons	1 10 0

Bottomry Bonds.

£	s.	d.		£	s.	d.		£	s.	d.
From	1	0	0	to	37	10	0	...	...	0 1 6
	37	10	0		75	0	0	...	...	0 3 0
	75	0	0		150	0	0	...	...	0 6 0
	150	0	0		375	0	0	...	...	0 12 0
	375	0	0		750	0	0	...	...	1 4 0
	750	0	0		1,500	0	0	...	...	3 0 0
	1,500	0	0	and upwards	...	...	...	...	...	4 10 0

All copies of deeds passed before Notaries to be chargeable with a stamp, or duty in lieu of stamp, equal to one-half the value payable on the original deed, except in such cases where the same has been hereinbefore provided for.

Ordinance, when
to commence.

5. And be it enacted, that this Ordinance shall take effect from and after the 1st day of July, 1850.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 21st day of March, 1850.

By command of His Honour the Administrator of the Government,

(Signed)

D. MOODIE,
Secretary to Government.

By Order of the Legislative Council,

(Signed)

W. J. DUNBAR MOODIE,
Acting Clerk of the Legislative Council.

ORDINANCE No. 4, 1850.

Ordinance for applying a sum not exceeding £43,742 19s. 7d. for the service of the year 1851.

Harbour Regulation.

ORDINANCE No. 5, 1850.

Ordinance for re-enacting an Ordinance No. 14, 1845, entitled, " Ordinance for creating a District Court in and for the District of Natal;" and for giving validity to all acts which have been done on the presumption of the continuance of the same.

Virtually repealed by Law No. 10, 1857, § 1.

ORDINANCE No. 6, 1850.

Ordinance for re-enacting an Ordinance No. 2, 1846, entitled, " Ordinance for creating a Deeds' Registry Office for the District of Natal;" and for giving validity to all acts which have been done on the presumption of the continuance of the same.

Virtually repealed by Law No. 16, 1875.

ORDINANCE No. 1, 1851.

(Signed) BENJ. C. C. PINE.

Ordinance for providing for the regulation of Harbours.

WHEREAS, it is necessary that provision should be made for the appointment of pilots in the harbours of the District, and for the regulation of shipping resorting thereto: Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

I.—*Pilots and Pilotage.*

1. His Honour the Lieutenant Governor shall from time to time, license such and so many persons to act as pilots for any harbour within the District, as he may think meet.

Lieutenant Governor to license pilots.

2. It shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, from time to time, to make such regulations, respecting the examination and licensing of pilots, the amount and payment of pilotage, the class of vessels which shall be bound to take pilots, and respecting all other matters connected therewith, as may be required for securing the good conduct of the pilots, and the efficiency of the pilot service.

Lieutenant Governor, with the advice of the Executive Council, to make regulations respecting pilots.

II.—*Harbour Regulations.*

3. In order to secure the safety of shipping, and to prevent any obstruction of the navigation of any harbour or navigable river, it shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, from time to time, to make such regulations, respecting the anchoring and mooring of vessels; the package, landing, deposit, and removal of gunpowder, the erection of magazines, for the safe keeping thereof, and the rent to be charged for the same; for the watering and ballasting, and discharging of

Lieutenant Governor, with the advice of the Executive Council, to make harbour regulations.

Harbour Regulation.

ballast, of or from vessels; for the payment of the rate of harbour dues or wharfage dues, payable in respect of vessels frequenting the said harbours; and, generally, all other matters relating to the safe and commodious navigation of such harbours or rivers, and the order and management of vessels resorting thereto, as may be deemed necessary.

And to require
declarations and
notices by
masters of
vessels.

4. It shall also be lawful for the Lieutenant Governor, with the advice of the Executive Council, from time to time, to make such regulations, requiring declarations to be made by masters of vessels arriving at any of the ports of the District, and notices to be given by them of their intended departures from any such port, and prescribing the form and time of making such declaration, or giving such notices as may seem meet: Provided, that masters of coasters shall not be compelled to give notice of sailing, unless bound from one port of entry to another; and masters of colonial traders only twenty-four hours.

III.—*Penalties.*

Penalties for
offences against
this Ordinance.

5. Every master of any vessel, who shall offend against the provisions of this Ordinance, shall forfeit and pay, for every such offence, any sum not exceeding £100.

6. For the purpose of giving effect to the regulations hereby authorised to be made by the Lieutenant Governor, with the advice of the Executive Council,—the Lieutenant Governor, with the advice of the Executive Council, may, by any such regulations, impose any penalty not exceeding £100, for any offence against the same.

Mode of recover-
ing penalties,
and application
thereof.

7. Every penalty imposed by this Ordinance, or by any rules or regulations, framed as aforesaid, shall be recovered in the Court of the Resident Magistrate, nearest to any such port or harbour, and may be sued for at the instance of the port captain, harbour master, or collector of customs, and shall be paid to the use of Her Majesty, her heirs, and successors, for the support of the Government of this District.

Court may
sentence to im-
prisonment in
case of non-
payment.

8. In any case in which any fine shall be imposed by such Court, it shall be lawful and competent for such Court, in case such fine shall not be paid or satisfied, to adjudge any person, so convicted, to imprisonment, with or without hard labour, for any period not exceeding three months, unless such fine be sooner paid.

Commencement
of Ordinance.

9. And be it enacted, that this Ordinance shall commence and take effect from and after the publication thereof in the *Government Gazette*.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 17th day of February, 1851.

By Command of His Honour the Lieutenant Governor,

(Signed) D. MOODIE,
Secretary to Government.

By Order of the Legislative Council,

(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

Transfers to Immigrants.

ORDINANCE No. 2, 1851.

(Signed) BENJ. C. C. PINE.

Ordinance for facilitating the Transfer of Lands to certain Immigrants into the District of Natal, from the United Kingdom of Great Britain and Ireland.

1. WHEREAS, it is expedient and necessary to make immediate provision for giving transfer of their lands to certain immigrants, who have come into this District, from the United Kingdom of Great Britain and Ireland, under certain contracts entered into with, or who have made purchases of land, while in England, from Joseph Charles Byrne, or from the person or persons, who styled themselves Joseph Charles Byrne and Company: Be it therefore enacted, by the Lieutenant Governor of the District of Natal, by and with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, the provisions of the Ordinance No. 5, 1849, entitled, "an Ordinance for facilitating the transfer of small allotments of land to immigrants from the United Kingdom of Great Britain and Ireland," in so far as any of them are repugnant to, or inconsistent with, this present Ordinance, shall be, and the same are hereby repealed accordingly.

Preamble.

Ord. 5, 1849, repealed in part.

2. And be it further enacted, that immediately after the promulgation of this Ordinance, it shall be lawful for John Moreland, and he is hereby authorised and required, to call for, and demand from, the agent or agents of Joseph Charles Byrne, in this District (who are hereby directed and authorised to deliver the same), a true and correct list, or statement, of the names of all persons who have entered this District, under contract with the said Joseph Charles Byrne, or of the said Joseph Charles Byrne and Co., setting forth the amount and extent of lands which they may respectively have purchased or be entitled to receive from the said Joseph Charles Byrne, and from the said Joseph Charles Byrne and Co., either by virtue of certain contracts of sale and purchase concluded in England, or of deposits made by them in the hands of the Commissioners of Emigration, in London, and who have not yet had their lands duly transferred to them; which said list or statement is to set out, in a tabular shape, the extent of lands which the said parties are entitled to receive within this District, by virtue of the said purchases or deposits made in England, and the situation and locality of the said lands, and which statement the said John Moreland shall forthwith publish in the *Government Gazette*. And the said John Moreland is hereby authorised and directed to cause the deeds of transfer to be forthwith prepared, in the office of the Registrar of Deeds, who is hereby authorised and directed to pass and attest the same, so soon as the said deeds of transfer shall be found to be drawn up in such form and manner, as is by law, and the usage of this District, required to pass a valid title to the said parties respectively.

List of emigrants.

Transfers to be prepared.

3. And be it further enacted, that the said John Moreland is hereby authorised and empowered, in all such deeds of transfer, to

Powers vested in John Moreland in respect thereof.

Transfers to Immigrants.

subscribe the same, in such manner and form as the said Joseph Charles Byrne, or the said Joseph Charles Byrne and Co., if personally present, might have executed and subscribed, and that the effect of such subscription, under and by virtue of the authority conferred upon the said John Moreland, will have the effect, in law, of passing and giving a title to the said lands to the respective transferees, as fully and effectually, in law, as if the same had been passed and subscribed by the said Joseph Charles Byrne, or the said Joseph Charles Byrne and Co., before the insolvency, or bankruptcy, of the said Joseph Charles Byrne, or the said Joseph Charles Byrne and Co.; and so as to give to the said transferees a good and sufficient title, as against all creditors, assignees, or assigns, of the said Joseph Charles Byrne, and the said Joseph Charles Byrne and Co., or either of them.

Names of transferees to be published weekly, to whom two months' notice to be given to take out deeds.

4. And be it further enacted, that the said John Moreland is hereby directed to publish, in the *Natal Government Gazette*, or otherwise, every week, the names of the persons to whom transfers have been made, and which are ready for delivery to them; and the respective parties, whose names are thus proclaimed, as entitled to these deeds of transfer, are hereby ordered and directed, within two months from the date of such notice, published in the *Natal Government Gazette*, or otherwise, to apply personally, or by a person duly authorised in writing, on their behalf, to take them out of the office of the Registrar of Deeds, and also to pay, upon taking out the same, such transfer, and other fees of office, as may be legally due by, and chargeable to them.

Penalties for not taking out deeds.

5. And be it further enacted, that upon any person, to and in favour of whom any such deed of transfer, as aforesaid, shall have been so duly executed, and publicly notified, failing to take out his deed of transfer out of the office of the Registrar of Deeds, within the said period of two months from the date of such notification, published in the *Natal Government Gazette*, or otherwise, the said deed of transfer shall be deemed and taken to have become totally void, and of no effect, as conveying the lands so transferred to the parties making default; and that no person interested in such transfer, or having any claim in respect of the survey, admeasurement, or subdivision of any of the said lands, or any portions thereof, shall, by reason of anything herein contained, or contained in the said Ordinance No. 5, 1849, have, or acquire any claim, legal or otherwise, upon the Crown, for payment of such expenses of survey, admeasurement, or subdivision, as the case may be; and that in any case in which, by the provisions of the 6th section of the said Ordinance No. 5, 1849, any such land shall, in consequence of the issue of the certificate, entitling the original purchaser to repayment of the deposit, revert to the Crown, no such original purchaser, nor any other person whatsoever, shall be entitled, legally or otherwise, to repayment from the Crown of any amount as for the expenses of survey, admeasurement, or subdivision of the same; and that any provision, contained in the said section of the Ordinance No. 5, 1849, whereby the Crown might be liable to any such payment of surveying expenses, or otherwise, is hereby absolutely repealed.

Transfers to Immigrants.

6. And be it further enacted, that this Ordinance shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*. Ordinance, when to commence.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 26th day of March, 1851.

By Command of His Honour the Lieutenant Governor,
(Signed) D. MOODIE,
Secretary to Government.

By order of the Legislative Council,
(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

ORDINANCE No. 3, 1851.

Ordinance for imparting to Aliens, residing within the District of Natal, some of the privileges of Naturalisation.

Repealed by Law No. 1, 1860, § 1.

ORDINANCE No. 4, 1851.

Ordinance for regulating the Conveyance and Postage of Letters.

Repealed by Law No. 11, 1867, § 1.

ORDINANCE No. 5, 1851.

Ordinance to regulate, for one year, the dealing in Gunpowder and Firearms within the District of Natal.

Expired.

ORDINANCE No. 1, 1852.

Ordinance for applying a sum not exceeding £46,913 7s. 2½d. for the service of the year 1852; and for charging a sum of £5,246 4s. 8¼d. for the service of the year 1851, in addition to the sum in that respect provided by the Ordinance No. 4, 1850.

ORDINANCE No. 2, 1852.

Ordinance for reducing the duty chargeable on Sales by Public Auction.

Repealed by Law No. 32, 1874, § 1.

Clerks of the Peace.

ORDINANCE No. 3, 1852.

(Signed) BENJ. C. C. PINE.

Ordinance for creating the office of Clerk of the Peace in the several Divisions of the District.

Preamble.

WHEREAS, it is expedient and necessary that provision be made for the prosecution at the public instance of crimes and offences in certain inferior Courts of this District, by the creation and appointment of an officer in each division to be called the Clerk of the Peace :

Be it therefore enacted, by the Lieutenant Governor of the District of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Clerks of the Peace may be appointed.

1. It shall and may be lawful for the Lieutenant Governor from time to time to appoint one officer, to be called the Clerk of the Peace, for every such division of this District as to him from time to time may seem expedient; and every person so appointed as aforesaid shall take the oath of allegiance and the oath of office before the Recorder, or any Resident Magistrate or Justice of the Peace, which shall be and remain registered among the records of the division in which such Clerk of the Peace is to act.

Oaths.

Vide Law 14, 1869.

Clerks of the Peace subordinate to the Crown Prosecutor in criminal cases;
Vide Law 18, 1856.

2. In all matters relating to or connected with any criminal proceedings instituted or intended to be instituted against any person or with regard to any crime or offence, the said Clerks of the Peace shall be under the control of and bound to conform to the directions which shall and may from time to time be given to them or any of them by the Crown Prosecutor.

And are to conduct public prosecutions;

3. The Clerk of the Peace shall conduct all public prosecutions in all cases of crimes and offences cognizable by and tried by the Court of the Resident Magistrate of the division for which he is appointed to act.

And to assist at preparatory examinations.

4. The Clerk of the Peace shall attend and assist at any preparatory examination instituted by or before any Magistrate, under the provisions of the Ordinance No. 18, 1845, entitled, an "Ordinance for regulating the manner of proceeding in Criminal Cases" in the District of Natal."

Crown Prosecutor may appoint other persons.

5. Provided, that the Crown Prosecutor shall have the power, in all cases of prosecution and in all cases of the institution of preparatory examinations, of specially appointing any other person to conduct such prosecution or to assist at such preparatory examination, as the case may be.

Ord. 18, 1845, not interfered with by this Ordinance

6. Nothing in this Ordinance contained shall be deemed or taken in any way to interfere with or abrogate the rights and powers vested by law in the Crown Prosecutor of the District of Natal, contained in the said Ordinance No. 18, 1845.

Vide Law 18, 1856.
Other duties of Clerks of the Peace.

7. The said Clerks of the Peace shall also perform all such other duties as shall from time to time be imposed upon them by the Legislature or by the Lieutenant Governor.

Clerks of the Peace.—Division of District.

8. This Ordinance shall commence and have effect from and after the date of the promulgation thereof in the *Government Gazette*. Ordinance, when to commence.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 20th day of April, 1852.

By command of His Honour the Lieutenant Governor,
(Signed) S. B. GORDON,
Acting Secretary to Government.

By order of the Legislative Council,
(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

ORDINANCE No. 4, 1852.

(Signed) BENJ. C. C. PINE.

Ordinance to provide for the more convenient division of the District for certain purposes.

WHEREAS, it is necessary for the purposes of local government, the better administration of justice, and military organization of the population, to divide the District into more convenient divisions and subdivisions than those now existing : Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. It shall be lawful for the Lieutenant Governor, by proclamation, from time to time to divide the District into counties, and to subdivide any such county into wards, and also to subdivide any such ward into townships, and to alter the limits of every such county, ward, or township. Lieutenant Governor may divide District.

2. It shall be lawful for the Lieutenant Governor, by proclamation, from time to time to divide any such county, ward, or township, into two or more counties, wards, or townships, and also to consolidate any two or more counties, wards, or townships into one county, ward, or township as occasion may require. Counties, &c., may be subdivided or consolidated.

3. It shall be lawful for the Lieutenant Governor, by proclamation, to declare the name by which every county, ward, or township shall be known, and also to alter such name. Name of counties, &c., may be declared by proclamation.

4. This Ordinance shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*. Ordinance, when to commence.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 28rd day of April, 1852.

By Command of His Honour the Lieutenant Governor,
(Signed) S. B. GORDON,
Acting Secretary to Government.

By order of the Legislative Council,
(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

Arrest and Attachment.

ORDINANCE No. 5, 1852.

(Signed) BENJ. C. C. PINE.

Ordinance for enabling the Resident Magistrates to grant process for the Arrest of Persons about to leave the District, and for the Attachment of Property about to be removed therefrom.

Preamble.

WHEREAS, it is expedient to make provision for enabling parties more easily than at present to obtain the process of the District Court for the arrest of persons about to leave the District, and the attachment of property about to be removed from the same :

Be it therefore enacted, by the Lieutenant Governor of the District of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Resident Magistrate may grant process for arrest of persons leaving District.

1. It shall and may be lawful for any Resident Magistrate, upon the application of any person who shall lodge with such Resident Magistrate a direct and positive affidavit sworn by such applicant and duly attested, setting forth that he has matter of claim against any person about leaving the District, to grant the process of the District Court, or of the Court having jurisdiction as to such matter of claim, for arresting or holding such person to bail, and to abide the judgment thereon of the said District Court or such other Court as aforesaid.

Applicant's affidavit.

2. The said affidavit shall contain a true description of the person and place of abode of the party making the same, a statement of the sum due to the plaintiff and the cause thereof, and that the plaintiff hath not any mortgage, pledge, or security for his demand, or none adequate thereto ; and in the last case, specifying the nature and extent of the mortgage, pledge, or security ; that the deponent believes the defendant is about to remove from the District, and stating the grounds of such belief : Provided, that if the applicant sues as executor or administrator of any deceased person, or as trustee of any insolvent estate, it shall be sufficient for such person to set forth in such affidavit that the said defendant is indebted to him as appears by the books of such deceased or insolvent person, and as the deponent verily believes.

Resident Magistrate may grant process for attachment of property.

3. Upon the application and affidavit of any person, setting forth that he has matter of claim in respect of any property about to be removed from the District, it shall and may be lawful for any such Resident Magistrate to grant the process of the said District Court, or such other Court as aforesaid, for attaching any property so about to be removed from the District, pending the decision of such Court thereon.

Person arrested may apply to Court for release.

4. When any person has been arrested or any property attached the person so arrested, or any party having any interest in the property so attached, may at any time apply for the release of such person or property to the Court having jurisdiction as to the matter or claim in respect of which such arrest or attachment has been made ; or in the case of the District Court, to the Recorder at chambers if that Court shall not be sitting ; and thereupon the said Court or Recorder shall and may make such order as to it or him shall seem fit.

Arrest and Attachment.—Resident Magistrates.

5. No such process of arrest or attachment shall be issued or granted against any person or property in any case in which the cause of action shall not amount to five pounds or upwards, exclusive of any charges which may have been incurred in the recovery thereof. Process not to be granted where debt less than five pounds.

6. All laws, customs, and usages hitherto in force within this District contrary to the provisions of this Ordinance shall be and the same are hereby repealed. Contrary laws repealed.

7. This Ordinance shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*. Commencement of Ordinance.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 18th day of May, 1852.

By command of His Honour the Lieutenant Governor,
(Signed) S. B. GORDON,
Acting Secretary to Government.

By order of the Legislative Council,
(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

ORDINANCE No. 6, 1852.

Ordinance to amend and consolidate the Law relative to the Constitution and Formation of Juries.

Repealed by Law 10, 1871, § 2.

ORDINANCE No. 7, 1852.

Ordinance to introduce the Institution of Trial by Jury in Civil Cases.

Repealed by Law 10, 1871, § 2.

ORDINANCE No. 8, 1852.

(Signed) BENJ. C. C. PINE.

Ordinance to extend the jurisdiction of the Resident Magistrate of the Division or County of Durban, in Civil Cases.

WHEREAS, the amount of the population, and the importance of trade and commerce, of the town of Durban, and its vicinity, render it expedient to extend the jurisdiction of the Resident Magistrate of the division or county of Durban, in civil cases: Preamble.

Be it therefore enacted, by the Lieutenant Governor of the District of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. The Resident Magistrate of the division or county of Durban, shall have jurisdiction in all civil cases whatever, within the said Jurisdiction of Resident Magistrate, Durban.

Resident Magistrates.

division or county, wherein the sum or matter in dispute shall not exceed one hundred pounds, whether on balance of account, or otherwise.

Ordinance 16, 1846, to extend to cases under this Ordinance.

2. The several powers and provisions of the Ordinance No. 16, 1846, entitled, an "Ordinance for creating Resident Magistrates "within the District of Natal," and all rules and regulations which have been, or shall be, made in pursuance of the said Ordinance, or which shall be otherwise lawfully made, respecting the manner and form of proceeding in civil cases, in the Courts of the Resident Magistrates of the District, shall extend to all debts, damages, and demands, which may be sued for in the Court of the Resident Magistrate of the division or county of Durban, under the authority of this Ordinance, and to all proceedings and judgments for the recovery of the same, or otherwise in relation thereto respectively.

As to cases within jurisdiction of Resident Magistrate, Durban, brought in District Court after commencement of this Ordinance.

3. If, in any action or suit, within the jurisdiction of the Court of the said Resident Magistrate, commenced after the taking effect of this Ordinance, in the District Court, the plaintiff shall recover a sum not exceeding thirty pounds, he shall have judgment to recover such sum and such costs only, as he would have recovered if the action or suit had been brought in the Court of the said Resident Magistrate, except in the case hereafter provided.

Proviso.

4. Provided, that if the plaintiff shall, in any action as aforesaid, recover a sum less than thirty pounds, and the Recorder shall certify that it appeared to him, at the trial, that the cause or action was one for which an action could not have been brought in the Court of the said Resident Magistrate, or that there was a sufficient reason for bringing the said action in the District Court, the plaintiff shall, in such case, have the same judgment to recover his costs, that he would have had, if this Ordinance had not been passed.

Court may try actions beyond its jurisdiction in certain cases.

5. Where both parties shall reside within the jurisdiction of the said Court, and shall agree by a memorandum, signed by them, or by their attorneys, that the said Court shall have power to try any action of debt, which is beyond its jurisdiction, and shall, in such memorandum, state that they are fully aware that such action is beyond the jurisdiction of the said Court, and shall file such memorandum with the Clerk of the Court, at the time of entering the plaint, then, and in such case, the said Court shall have jurisdiction and power to try such action.

Actions concerning immoveable property.

6. No action, concerning any immoveable property, shall be tried before the said Court, unless the said property, or some part thereof, shall be situated within its jurisdiction.

Court may grant interdict in certain cases.

7. It shall be lawful for the said Resident Magistrate, and he is hereby authorised, to grant the process of interdict, as to any matter arising, or likely to arise, within the said division or county, in the following cases:—

1st. Where the party, applying for an interdict, shall make and file with the Clerk of the Court, an affidavit, that the damages which he fears he will sustain, if such interdict be not granted, will not exceed one hundred pounds.

2nd. Where the party, applying for an interdict, shall make and file as aforesaid, an affidavit, that he will, in all

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probability, sustain very serious damage by the delay which must arise in making such application to the District Court.

8. In the first of the cases mentioned in the preceding section, the said Resident Magistrate shall have jurisdiction and power to confirm or dissolve the interdict, and to try and determine the question in dispute; but in the second case mentioned in the preceding section, the District Court shall confirm or dissolve the interdict, and try and determine the question in dispute, in the same manner as if such interdict had been granted by it.

As to the power of Court to confirm or dissolve interdict.

9. The proceedings in the Court of the said Resident Magistrate, in cases of interdict, shall be the same as those at present adopted in the District Court.

Proceedings in cases of interdict.

10. Whenever, upon the return of any writ of execution, issued under the authority of the Court of the said Resident Magistrate, it shall be found that there is not sufficient moveable property belonging to the person against whom such writ has been issued, to satisfy the exigency thereof; or whenever the said Court shall, without the issue of such writ, be satisfied that the person against whom such writ would be issuable, has no moveable property; or whenever, by sentence of the said Court, any immoveable property may be specially liable to be sold, then, and in every such case, and upon the special certificate of the said Resident Magistrate, stating that any such case has occurred, it shall be lawful for the District Court, and it is hereby required to cause such process to be issued against the immoveable property of any such person as aforesaid, as shall be necessary, in order to give full force and effect to the judgment of the Court of the said Resident Magistrate, in like manner as if such judgment had been pronounced by the District Court.

Process against immoveable property, how to be issued.

11. If either party, in any action tried in the Court of the said Resident Magistrate, shall be dissatisfied with the determination or direction of the said Court, in point of law, or as to the granting, or refusing, a new trial, or upon the admission, or rejection, of evidence, such party may appeal to the District Court.

Appeal to District Court.

12. Such party shall, within ten days after such determination, or direction, give notice of such appeal, to the other party, or his attorney, and shall also give security, to be approved by the Clerk of Court, for the costs of the appeal, and also, if he be the defendant, for the amount of the judgment.

Notice of appeal to be given.

13. Provided, that security for the amount of judgment shall not be required when the said amount shall have been paid into Court.

14. The District Court may either order a new trial, on such terms as it thinks fit, or may order judgment to be entered for either party, as the case may be, and may make such order with respect to the costs of the said appeal, as it may think proper.

Powers of Court of appeal.

15. Such appeal shall be in the form of a case agreed upon by both parties, or their attorneys or advocates, and if they refuse, or cannot agree, the said Resident Magistrate, upon being applied to by them, or one of them, their, or his, attorney or attorneys, or advocate or advocates, shall settle the case and sign it; and such case shall be transmitted by the appellant to the Registrar of the District Court.

Form, &c., of appeal.

Resident Magistrates.

Resident Magistrate shall, on application, make notes of points on which appeal is founded.

16. In order to facilitate the settling of any such case, as aforesaid, the said Court shall, upon the application of any of the parties to the action, immediately after the delivery of the judgment, make a note, in writing, of any points upon which any such parties shall be desirous of appealing from such judgment: Provided, that such application shall not be necessary to enable any party to appeal from any judgment.

No appeal, except as above.

17. No judgment, order, or determination, given or made by the said Resident Magistrate, nor any cause or matter brought before him, or pending in his Court, shall be appealed against in any manner whatsoever, save and except upon the grounds, and in manner, according to the provisions hereinbefore mentioned.

As to advocates, &c., of Court.

18. From and after the taking effect of this Ordinance, no person shall be admitted to practise as an advocate and attorney in the Court of the said Resident Magistrate, who shall not have been admitted to practise as an advocate or attorney in the District Court.

Agents.

19. Provided, that it shall be competent for the said Resident Magistrate to admit to practise, as attorneys of the said Court, such persons as have heretofore been in the regular habit of practising before such Court as agents.

Fees of Court.

20. The fees to be taken by the advocates and attorneys, practising in the said Court, shall be such as are set down in the schedule hereto, marked A.

Commencement of Ordinance.

21. This Ordinance shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 18th day of May, 1852.

By Command of His Honour the Lieutenant Governor,
(Signed) S. B. GORDON,
Acting Secretary to Government.

By Order of the Legislative Council,
(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

SCHEDULE A.

Scale of Fees to be allowed to Advocates and Attorneys practising in the Court of the Resident Magistrate, Durban, up to judgment, and to include all fees.

				£	s.	d.
For every sum not exceeding	£5	...	...	0	5	0
Exceeding £5 and not exceeding	£10	...	...	0	10	0
"	10	"	"	0	15	0
"	15	"	"	1	1	0
"	30	"	"	2	2	0
"	60	"	"	3	3	0

Weights and Measures.

ORDINANCE No. 9, 1852.

*Ordinance to amend the Ordinance No. 6, 1852, entitled, an
"Ordinance to amend and consolidate the Law relative to the
"Constitution and Formation of Juries."*

Repealed by Law 10, 1871, § 2.

ORDINANCE No. 10, 1852.

*Ordinance for applying a sum not exceeding £3,818 2s. 3d. for the
service of the year 1852, in addition to the sum already in that
respect provided by the Ordinance No. 1, 1852; and for
charging a sum of £312 16s. 6d. sterling for the service of
the year 1851, in addition to the sums in that respect provided
by the Ordinances No. 4, 1850, and No. 1, 1852.*

ORDINANCE No. 11, 1852.

(Signed) E. F. BOYS.

Ordinance for establishing Imperial Weights and Measures.

WHEREAS, it is necessary to make legal provision for establishing certain standard weights and measures for use in this District; and whereas it is expedient to introduce the standard weights and measures in use in Great Britain:

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. From and after the 1st day of May next the imperial weights, scales, and measures of Great Britain shall be the standard weights, scales, and measures of this District.

2. It shall be lawful for the Commissioners of any Municipality at any time and from time to time, by public notice, to call upon all persons within such Municipality to produce the weights and measures in use by them in order that the same may be assized and marked.

3. It shall be lawful for the Clerk of the Peace, in any town in which no Municipality has been established, or for any Justice of the Peace residing in any town where no Municipality or Clerk of the Peace exist, at any time and from time to time, by public notice, to call upon all persons residing within the jurisdiction of such Clerk of the Peace or Justice of the Peace, to produce the weights and measures in use by them, in order that the same may be assized and marked.

Preamble.

Imperial weights, &c., to be standard.

Assizing, &c., of weights.

Ditto, where no Municipality.

Weights and Measures.—Assistant Resident Magistrates.

Fee for assizing
weights.

4. The owner of all weights and measures shall pay, in respect of every weight or measure assized and marked as aforesaid, the sum of threepence sterling, together with the cost of repair thereof, should the same be necessary.

Weights and
measures may be
inspected.

5. It shall be lawful for any two Commissioners of any Municipality, or for any Clerk of the Peace or Justice of the Peace as aforesaid, at any time or times most convenient, to inspect every beam, scale, weight, steelyard, measure, and every sort or kind of weight and measure used or being in the public markets, or in any warehouse, store, shop, shed, or stall, and every one of them which shall be found to be deficient or unlawful or unjust to seize and destroy.

Penalty for false
weights.

6. Every person using or causing to be used any weight or measure which has not been assized as aforesaid, or having in possession any deficient, unlawful, or unjust beam, scale, weight, steelyard, or measure, shall forfeit any sum not exceeding five pounds nor less than one pound.

Offences, where
cognizable.

7. All offences against this Ordinance shall be prosecuted before the Court of the Resident Magistrate of the division within which the offence has been committed.

Commencement
of Ordinance.

8. This Ordinance shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

God save the Queen !

Given at Pietermaritzburg, in the District of Natal, this 28th day of October, 1852.

By command of His Honour the Acting Lieutenant Governor,

(Signed) W. HARDING,
Acting Secretary to Government.

By order of the Legislative Council,

(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

ORDINANCE No. 12, 1852.

(Signed) E. F. BOYS.

Ordinance for enabling the Lieutenant Governor to appoint Assistant Resident Magistrates within the District of Natal.

Preamble.

WHEREAS, it is expedient for the more speedy and effectual administration of justice in this District that Assistant Resident Magistrates should be appointed for the various divisions of this District, to act for or in the absence of the Resident Magistrates of such divisions as occasion may require :

Assistant Resident Magistrates.

Be it therefore enacted, by the Acting Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. It shall and may be lawful for the Lieutenant Governor from time to time to appoint one or more Assistant Resident Magistrates for each and every division of this District, or for any portion of such division as occasion may require.

Assistant Resident Magistrates may be appointed.

2. Every such Assistant Resident Magistrate shall take and subscribe the oath of allegiance and the oath of office by law directed to be taken by the Resident Magistrates.

Oath of allegiance.
Vide Law 14, 1869.

3. Every Assistant Resident Magistrate shall, whilst acting for the Resident Magistrate or in the absence of such Resident Magistrate, exercise the same jurisdiction and have all the powers and authorities vested in the Resident Magistrate of the division by the Ordinance No. 16, 1846, entitled, an "Ordinance for creating Resident Magistrates within the District of Natal," and the "Rules, Orders, and Regulations respecting the manner and form of proceeding in Civil and Criminal Cases before the Courts of the Resident Magistrates in the District of Natal."

Assistant Resident Magistrate to have same jurisdiction as a Resident Magistrate;
Vide Law 16, 1846.

4. Every Assistant Resident Magistrate shall be a Magistrate under the Ordinance No. 18, 1845, entitled, an "Ordinance for regulating the manner of proceeding in Criminal Cases in the District of Natal."

And to be a Magistrate under Ordinance 18, 1845;

5. Every Assistant Resident Magistrate shall have all and every the powers and authorities as are vested in the Resident Magistrates by the Ordinance No. 2, 1850, entitled, an "Ordinance for regulating the relative Rights and Duties of Masters, Servants, and Apprentices."

And under Ordinance 2, 1850.

6. The Resident Magistrate of every division, and any Assistant Resident Magistrate for such division, shall, when thereunto required, demand and receive such annual taxes from the natives as now are or may hereafter be imposed.

Magistrates to collect taxes.

7. The Resident Magistrate of every division may lawfully require any Assistant Resident Magistrate appointed to act for such division to act for such Resident Magistrate at any time or place within the division for which they are respectively appointed.

Assistant Magistrate to act for Resident Magistrate.

8. This Ordinance shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

Commencement of Ordinance.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 22nd day of November, 1852.

By command of His Honour the Acting Lieutenant Governor,

(Signed) W. HARDING,
Acting Secretary to Government.

By Order of the Legislative Council,

(Signed) W. J. DUNBAR MOODIE,
Clerk of the Council.

Masters and Servants.

ORDINANCE No. 13, 1852.

(Signed) E. F. BOYS.

Ordinance for amending the Ordinance No. 2, 1850.

Preamble.

WHEREAS it is expedient to alter and amend certain of the provisions of the Ordinance No. 2, 1850, entitled, an "Ordinance for regulating the relative rights and duties of masters, servants, and apprentices:"

Be it therefore enacted, by the Acting Lieutenant Governor of the District of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Contracts made out of District.

1. The first section of the first chapter of the Ordinance aforesaid, shall be, and the same is, hereby repealed.

2. No contract of service, made beyond the limits of this District, shall have any force or effect, unless reduced to writing, and confirmed by the parties thereunto, before any Resident Magistrate or Assistant Resident Magistrate, in this District; in which case such contract shall have force and effect in this District, for the term therein stipulated: Provided, such term shall not exceed the period of three years, from the day on which the servant shall have entered the District.

What contracts binding and for what term.

3. All contracts of service, which shall have been made in writing, in any country or place in Europe, according to any law in force within such country or place, with any servant born in Europe, shall have force and effect within this District, in so far as the stipulations contained in such contract are not contrary to the provisions of the Ordinance No. 2, 1850, and provided that no such contract shall endure, or be in force, for a longer period than three years, from the day on which the servant shall have been landed in the District.

Magistrate may amend contract by consent of parties.

4. Any Resident Magistrate, or Assistant Resident Magistrate, may, when the contracting parties are both within the District, and testify their consent thereto before the said Resident Magistrate or Assistant Resident Magistrate, amend any contract, entered into out of this District, which may be at variance with the provisions of the said Ordinance No. 2, 1850, in any case in which such contract may, in other respects, appear manifestly equitable; and any such contract, when so amended, shall be as valid, to all intents and purposes, as if entered into before such Resident Magistrate or Assistant Resident Magistrate, under the provisions of the said Ordinance No. 2, 1850.

Commencement of Ordinance.

5. This Ordinance shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 22nd day of November, 1852.

By Command of His Honour the Acting Lieutenant Governor,

(Signed)

W. HARDING,

Acting Secretary to Government.

By Order of the Legislative Council,

(Signed)

W. J. DUNBAR MOODIE,

Clerk of the Council.

Wine and Spirit Licenses.

ORDINANCE No. 1, 1853.

Ordinance for applying a sum not exceeding £46,767 8s. 3d. sterling for the service of the year 1853.

ORDINANCE No. 2, 1853.

Ordinance for establishing the Natal Sugar Company.

Repealed by Ordinance No. 7, 1854, § 1.

ORDINANCE No. 3, 1853.

(Signed) BENJ. C. C. PINE.

Ordinance for altering and amending the Ordinance No. 9 of 1847, entitled, " Ordinance for regulating the Sale of Wines, and " Spirituous and Fermented Liquors, within the District of " Natal."

WHEREAS, an Ordinance was passed by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, entitled, an " Ordinance for regulating the Sale " of Wines, and Spirituous and Fermented Liquors, in the District " of Natal:" Preamble.

And whereas, an Ordinance No. 2 of 1848 was enacted by the Lieutenant Governor of this District, with the advice and consent of the Legislative Council thereof, for altering and amending the said recited Ordinance:

And whereas, it is expedient to diminish the rate at which retail licenses for the sale of wines and spirituous and fermented liquors shall be issuable:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows, viz. :—

1. Instead and in lieu of the rates at which such licenses as aforesaid are issuable under the said recited Ordinances, there shall be payable the following sums upon the issue of such retail licenses, that is to say:— Retail Licenses.

	£	s.	d.	
For every retail license to sell wines, spirituous liquors, liqueurs, malt liquors [* * *], in the towns of Pietermaritzburg, Durban, and Ladysmith, or at any place within three miles from such town, to endure for the space of one whole year	20	0	0	Vide Law 13, 1861, § 1; and Law 23, 1863, § 1.
Ditto, for six months	15	0	0	
Ditto, for three months	10	0	0	
For every such license as aforesaid, to sell at any place not within the towns aforesaid, and not within the distance of three miles therefrom, to endure for one whole year...	8	0	0	
Ditto, for six months	5	0	0	
Ditto, for three months	3	0	0	

Wine and Spirit Licenses.—Timber on Crown Lands.

Distinction abolished between wine and malt licenses.

Vide Law 13, 1861, § 1; and Law 23, 1863, § 1.

Licenses, when payable.

Police may enter unlicensed premises.

Ord. 9, 1847, extended to this Ordinance.

Commencement of Ordinance.

2. The distinction between retail licenses to sell wines and spirituous liquors, and licenses to sell malt liquors [* * *], is hereby abolished; and no person shall sell any wines, spirituous liquors, liqueurs, malt liquors [* * *], without taking out such license as is mentioned in the preceding section.

3. All licenses shall be payable and respectively due on and from the 1st day of January, 1st day of April, 1st day of July, and 1st day of October in each year.

4. It shall be lawful for any police constable, at all reasonable hours, to enter into and upon any premises which shall not be licensed as aforesaid, in which it shall be reasonably suspected that any spirits or other articles above named are improperly sold or vended, and then to search such premises.

5. All the enactments and provisions of the Ordinance No. 9, 1847, save and except such as relate to the rate at which retail licenses are issuable, shall be extended so as to apply to this Ordinance, in the same manner as if the same were inserted herein.

6. This Ordinance shall commence and take effect on and after the 1st October next.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 10th day of September, 1853.

By Command of His Honour the Lieutenant Governor,
(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By order of the Legislative Council,
(Signed) JOHN BIRD,
Clerk of the Council.

ORDINANCE No. 4, 1853.

(Signed) BENJ. C. C. PINE.

Ordinance for empowering the Lieutenant Governor to issue, by Proclamation, Orders and Regulations for cutting Timber and Bush on Crown Lands.

Preamble.

WHEREAS, it is deemed expedient to prevent the destruction of timber on Crown lands:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Lieutenant Governor to make regulations.

1. It shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, from time to time, by proclamation, to make provision for the preservation of the timber and bush growing on the lands belonging to the Crown, and for regulating the granting of licenses for cutting or using the same, or leasing the timber and bush growing on such lands,

Timber on Crown Lands.

2. And for the purpose of giving effect to such regulations, it shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, by any such regulations to impose any penalty not exceeding twenty pounds for every offence against the same. Lieutenant Governor to impose penalty.
3. Every penalty imposed by such regulations as aforesaid shall be recovered in the Court of any Resident Magistrate; and may be sued for at the instance of any Clerk of the Peace or Fieldcornet, or any person appointed by the Lieutenant Governor for such purpose, and shall be paid into the public Treasury for the use of the Government of the District. Penalty, how recovered.
4. In any case in which any fine shall be imposed by such Court, it shall be lawful for such Court, in case such fine shall not be paid, to adjudge any person so convicted to imprisonment, with or without hard labour, for any period not exceeding three months, unless such fine be sooner paid. Court, in default, may imprison.
5. This Ordinance shall commence and take effect from and after the publication thereof in the *Government Gazette*. Commencement of Ordinance.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 10th day of September, 1853.

By Command of His Honour the Lieutenant Governor,
(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By order of the Legislative Council,
(Signed) JOHN BIRD,
Clerk of the Council.

ORDINANCE No. 5, 1853.

Ordinance for applying a sum not exceeding £3,635 17s. 1d. sterling for the service of the year 1853, in addition to the sum already in that respect provided by the Ordinance No. 1, 1853; and for charging a sum of £331 19s. 10d. upon the revenues of the said District for the year 1853, for the services of the years 1848, 1850, and 1851, in addition to sums already provided in respect thereof in previous Ordinances.

ORDINANCE No. 6, 1853.

Ordinance for enabling certain persons, styled and acting as Commissioners and Officers for the Town or Municipality of Pietermaritzburg, in the District of Natal, to collect and enforce payment of Rates, Rents, and Dues for the year 1853; and of Arrears of previous Rates, Rents, and other Moneys; and for the Indemnification of such Persons.

Superseded by Ordinance No. 1, 1854.

Language of Ordinances.

ORDINANCE No. 7, 1853.

Ordinance to continue in force for a limited period of the year 1854 Ordinance No. 1, 1853, entitled, an " Ordinance for applying " a sum not exceeding £46,767 8s. 3d. sterling for the service of " the year 1853;" and Ordinance No. 5, 1853, entitled, an " Ordinance for applying a sum not exceeding £3,635 17s. 1d. " sterling for the service of the year 1853, in addition to the " sum already in that respect provided by the Ordinance No. 1, " 1853; and for charging a sum of £331 19s. 10d. upon the " revenues of the said District for the year 1853, for the services " of the years 1848, 1850, and 1851, in addition to sums " already provided in respect thereof in previous Ordinances."

ORDINANCE No. 1, 1854.

Ordinance for establishing Municipal Corporations within the District of Natal.

Repealed by Law No. 21, 1861, § 1.

ORDINANCE No. 2, 1854.

(Signed) BENJ. C. C. PINE.

Ordinance for shortening the Language used in Ordinances.

Preamble.

WHEREAS, it is expedient to provide by law for shortening the language of Ordinances, and for rendering them more clear and intelligible:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows, viz.:

" Be it enacted that."

1. The words, " Be it enacted that," at the commencement of any Ordinance shall be deemed and taken to apply to every section thereof, and it shall not be necessary to repeat such words in any subsequent section.

Interpretation.

2. The following rules shall be observed in the interpretation of words and phrases used in future Ordinances, unless the contrary is expressly stated:—

Gender; number.

1. Words importing the masculine gender shall be deemed to include females, and the singular the plural and the plural the singular.

" Month."

2. The word " month," shall mean calendar month.

" Writing."

3. The word " writing" shall include printing.

" Oath."

4. The term " oath" shall include affirmation in cases in which an affirmation can be legally substituted for an oath.

" Officer."

5. Whenever the Lieutenant Governor or any other officer is mentioned by his official title, the same shall be deemed to mean the officer discharging the duties of the office in question for the time being.

Language of Ordinances.

6. Where any Ordinance which repeals, in whole or in part, any former Ordinance or Law is itself repealed, such last repeal shall not revive the Ordinance or part of the Ordinance or Law which was before repealed. Ordinance repeal.
7. When any Ordinance is passed which repeals the whole or part of any former Ordinance or Law, all suits and actions, civil, penal, or criminal, which shall have been commenced under such repealed provisions may be prosecuted in the same manner as if such provisions had not been repealed. Ditto.
8. When any Ordinance repeals in whole or in part any former Ordinance or Law, and substitutes some provision instead of the provision repealed, every such provision so repealed shall remain in force until the substituted provision shall come into operation. Ditto.
3. This Ordinance shall commence and take effect from and after the promulgation thereof in the *Government Gazette*. Ordinance, when to commence.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 24th day of April, 1854.

By command of His Honour the Lieutenant Governor,
(Signed) T. SHEPSTONE,
Acting Colonial Secretary.

By order of the Legislative Council,
(Signed) EDMD. TATHAM,
Acting Clerk of the Council.

ORDINANCE No. 3, 1854.

Ordinance to establish Local Councils, and to provide for the better Government of the different parts of the District.

Repealed by Law No. 2, 1857, § 1.

ORDINANCE No. 4, 1854.

Ordinance to establish and regulate Quarantine.

Repealed by Law No. 3, 1858, § 1.

ORDINANCE No. 5, 1854.

Ordinance for incorporating the Bank of Natal.

Superseded by Private Law, 21 June, 1859.

Natal Sugar Company.

ORDINANCE No. 6, 1854.

Ordinance to empower the Lieutenant Governor to make Regulations to prevent the Importation and Introduction into this District of Diseased Cattle; and to provide Measures of Protection against the spread of Contagious or Infectious Diseases among Cattle.

Repealed by Law No. 9, 1871, § 1.

ORDINANCE No. 7, 1854.

(Signed) BENJ. C. C. PINE.

Ordinance to repeal the Ordinance No. 2, 1853, entitled, an "Ordinance for establishing the Natal Sugar Company."

Preamble.

WHEREAS, it is expedient to repeal the Ordinance No. 2, 1853, entitled, an "Ordinance for establishing the Natal Sugar Company:"

Be it therefore enacted, by the Lieutenant Governor for the District of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Ordinance No. 2, 1853, repealed.

1. That the said Ordinance No. 2, 1853, entitled as aforesaid, shall be and the same is hereby repealed and annulled.

Commencement of Ordinance.

2. This Ordinance shall take effect and commence from the day of its publication in the *Government Gazette*.

God save the Queen !

Given at Pietermaritzburg, in the District of Natal, this 7th day of November, 1854.

By Command of His Honour the Lieutenant Governor,

(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By Order of the Legislative Council,

(Signed) EDMD. TATHAM,
Acting Clerk of the Council.

ORDINANCE No. 8, 1854.

Ordinance to promote the establishment of Volunteer Corps for the Defence of the District.

Repealed by Ordinance No. 11, 1855, § 1.

ORDINANCE No. 9, 1854.

Ordinance for applying a sum not exceeding £32,176 13s. 7d. for the service of the year 1855.

Squatting on Crown Lands.

ORDINANCE No. 1, 1855.

Ordinance to more effectually check and punish the Stealing of Cattle.

Repealed by Law No. 4, 1868, § 1.

ORDINANCE No. 2, 1855.

(Signed) BENJ. C. C. PINE.

Ordinance to prevent unlicensed Squatting, and to regulate the occupation of Land by the Natives.

WHEREAS the practice adopted by natives of this District, of squatting, without license, on Crown lands, not within native locations, and on lands belonging to private persons, has been carried on to such an extent as seriously to annoy and injure the agricultural population, and to endanger the peace and security of the District: And whereas the said practice is, at the same time, injurious to the true interests of the natives themselves, by fostering a desultory mode of culture of the soil, opposed to their application to civilised agriculture, and to regular industry: And whereas, under Her Majesty's Order in Council of 19th June, 1850, ratifying and confirming the Ordinance No. 3, 1849, it is provided, that it shall be lawful for the legislative authority, if it shall see fit, to repeal, alter, or amend, the said Ordinance; and also any of the provisions of the 28th article of the royal instructions of the 8th March, 1848, whereby, subject to certain restrictions therein contained, the native laws, customs, and usages, in force in this District, are recognised and retained:

Preamble.

And whereas it is necessary to make provision for checking the said practice, and to regulate the occupation of land by natives:

Be it therefore enacted and declared, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, in pursuance of the special authority given to them as aforesaid, and the general authority vested in the said Council, by the Letters Patent of 8th of March, 1848, as follows:—

1. It shall be lawful for the Resident Magistrates of the several counties or divisions, and they are hereby required, to cause all natives to be removed from Crown land, within their respective counties or divisions, which are not within any native locations.

Natives to be removed from Crown lands not within locations.

2. Any native who shall, without license or permission, hereafter erect any hut, or building of any kind, or shall make any garden on any Crown land, not being within a native location, or on any land belonging to any private person, shall, in respect of every such hut, building, or garden, forfeit and pay a sum not exceeding one pound, or be imprisoned, with hard labour, for the term of three months.

Penalty for unlicensed squatting.

3. If the owner of any land, his representative or mandatory, shall complain to the Magistrate of the county or division in which such land is situated, that any native is unlawfully residing on the same, then, in case the said native had originally received no permission to

Natives unlawfully residing on private property may be removed by Resident Magistrate.

Squatting on Crown Lands.

reside on such land, the said Resident Magistrate shall cause him to be instantly removed therefrom; and in case the said native shall have resided on the land, under a lease, or other agreement, which has expired, or become void, through any act or omission of the said native, the said Resident Magistrate shall, after giving the said native due time to collect and gather in the crops then growing on the land, cause him to be removed therefrom.

Natives may be removed without action of ejectment.

4. In all cases in which any Resident Magistrate has authority to remove natives from land, under this Ordinance, no action of ejectment shall be necessary, but it shall be lawful for the Magistrate to cause the natives to be summarily removed, and to cause their huts, or other buildings, to be pulled down.

Natives not to reside on unoccupied land without permission.

5. No natives shall reside on land belonging to any person who shall not personally, or by his mandatory or representative, occupy the same, unless with the written permission of the Lieutenant Governor, or the Colonial Secretary, the Government Secretary for Native Affairs, or the Resident Magistrate, and under such regulations as may be laid down, to ensure the safety of neighbouring inhabitants, and the proper control of such natives; and any natives residing on land not in accordance with this provision, shall be removed after one month's previous notice: Provided, that such mandatory, or representative, shall not be a native, unless he shall be specially approved by the Resident Magistrate of the county or division, as a fit and proper person to act in such capacity.

Owners, &c., of land to send to Resident Magistrate returns of Kaffirs, where more than three native families reside.

6. No owner or occupier of land shall permit more than three native families to reside on his land, unless he, or his mandatory or representative, shall send in to the Resident Magistrate of his county or division, a return, in the month of January in every year, as nearly as may be, in form in the schedule hereto annexed (marked A), showing the number of native men, together with their women and children, residing on the land, the number of their huts or dwelling houses, and also the nature of any agreement he has with them; and any person who shall omit to send in such return, shall, for every such omission, forfeit and pay any sum not less than one pound or more than five pounds, and shall be held responsible for any trespass or damage committed by such natives, or their cattle, on adjoining lands.

Penalty.

Powers by which Resident Magistrates to act, under this Ordinance.

7. Every judgment or decision given by any Resident Magistrate, under this Ordinance, against any native, shall be given in exercise of the power conferred on him by the Lieutenant Governor, to administer native law under the provisions of Her Majesty's order in Council, of the 19th June, 1850, subject to an appeal to the Lieutenant Governor, acting in his capacity of supreme chief of the natives, by virtue of the said order in Council.

Form of notice to be served on natives.

8. Every notice to be served on any native under this Ordinance, shall be in writing, and, as nearly as practicable in the form in the schedule hereto annexed (marked B), but it shall be sufficient to serve only one such notice on all the people of any kraal, by delivering a copy to any adult male inhabitant thereof, and informing him of the tenor of such notice.

Form of Resident Magistrate's order for removal of natives.

9. Every order given by a Resident Magistrate for the removal of any natives under this Ordinance, shall be by warrant, as nearly as

Squatting on Crown Lands.

practicable in the form in the schedule hereto annexed (marked C), and such warrant may include any number of natives whom it is intended to remove.

10. Every penalty imposed by this Ordinance, on any white person, shall be recoverable in the Court of the Resident Magistrate of the county or division in which such person resides, and shall be paid into the public treasury, for the use of the Government of the District.

Penalties, how recoverable.

11. The District Court of Natal shall not have jurisdiction in any case in which any native is sought to be ejected from any land, either the property of the Crown or of any private person; nor in any case in which any damages are claimed by any person from any native, by reason of the alleged illegal occupation of any such land; nor shall the said District Court entertain any appeal from, or review of, any judgment or proceeding authorised under this Ordinance.

District Court to have no jurisdiction under this Ordinance.

Vide Law 10, 1857, § 27.

12. This Ordinance shall commence and take effect on the first day of August next.

Commencement of Ordinance.

SCHEDULE A.

Return of natives living on the farm, called
situated at _____, occupied by A. B., the owner (or by
C. D., the mandatory or representative of A. B.), as the case may be.

Name of Heads of Families.	Number of Women.	Number of Children.	No. of Huts.	Nature of Agreement.

SCHEDULE B.

I.—*Summons.*

A. B., and other persons living in the same kraal, on the farm, called _____, are hereby summoned to appear before the Resident Magistrate, at _____ on the _____ of _____, to answer a complaint made against them by _____

(Signed) _____ C. D.,
Magistrate's Clerk.

Squatting on Crown Lands.—Introduction of Natives.

II.—*Notice.*

A. B., and other persons living in the same kraal, on the farm called _____, are hereby ordered to remove therefrom on or before _____, or forthwith (as the case may be).

SCHEDULE C.

Warrant.

To all Fieldcornets, Constables, and other Officers of the Law.

Whereas, it has been shown to me that the following persons, namely, A. B. C., &c., with their families, are unlawfully living on certain land, situate at or near _____, called _____, belonging to D.

I do therefore command you to remove the said persons from the said land, and, if necessary, to pull down and destroy any hut, kraal, or other buildings on the lands occupied by them.

Resident Magistrate.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 16th day of February, 1855.

By Command of His Honour the Lieutenant Governor,
(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By Order of the Legislative Council,
(Signed) W. J. DUNBAR MOODIE,
Acting Clerk of the Legislative Council.

ORDINANCE No. 3, 1855.

Ordinance for the Improvement and better Regulation of the Harbour of Port Natal.

Repealed by Law 9, 1861, § 1.

ORDINANCE No. 4, 1855.

(Signed) H. COOPER.

Ordinance to prevent Natives being brought into this District.

Preamble.

WHEREAS it is expedient to make provision for preventing persons from encouraging or inducing Kafirs, the subjects of native chiefs, residing beyond the boundaries of this District, to come into the

Introduction of Natives.

District, to the great danger of disturbing the peace and amity existing between the said native chiefs and the Government:

Be it therefore enacted, by the Acting Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. No person shall, by any means whatever, directly or indirectly, induce or encourage any native, the subject of any such chief, or residing within the territory of such chief, to come into this District. The subjects of native chiefs, residing beyond the boundaries, shall not be encouraged to come into this District.
2. No person shall bring, or cause or permit to be brought, any native, the subject of such chief, into this District, without the consent in writing of the Lieutenant Governor. Such natives shall not be brought into this District.
3. No person shall bring, or cause or permit to be brought, into this District, any cattle, sheep, or goat, the property of any native, the subject of any such native chief. No cattle, &c., the property of such natives shall be brought into this District.
4. Every person who shall be convicted of contravening the provisions of this Ordinance, shall be fined any sum not exceeding fifty pounds, or less than five pounds, and in default of payment, shall be imprisoned, with or without hard labour, for any period not exceeding twelve months. Penalty.
5. Every contravention of this Ordinance shall be prosecuted and tried in the Court of the Resident Magistrate, of any county or division in which the party charged shall be found, or of that through which such party may have passed. Courts in which offences under this Ordinance shall be tried.
6. The amount of every fine recovered under this Ordinance, shall be applied in such manner as the Lieutenant Governor may in each case direct. Fines to be applied as the Lieutenant Governor may direct.
7. This Ordinance shall commence and take effect from and after the publication thereof in the *Government Gazette*. Commencement of Ordinance.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 20th day of March, 1855.

By Command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEANT,
Colonial Secretary:

By Order of the Legislative Council,

(Signed) EDMUND TATHAM,
Acting Clerk of the Council:

Illegally compounding Theft.

ORDINANCE No. 5, 1855.

(Signed) H. COOPER.

Ordinance to prevent the Illegal Compounding of the Crime of Theft.

Preamble.

WHEREAS it is expedient to make provision for preventing the practice hitherto existing, of persons compounding crimes committed against their property, by desisting from giving to the proper authorities the information necessary for the due prosecution of offenders, and for this purpose to repeal any law which may now exist in respect hereof:

Be it therefore enacted, by the Acting Lieutenant Governor of the District of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of Existing Law.

Repeal of existing laws.

1. Any law which now exists, in respect of the compounding of the crime of theft, or receiving the stolen property, knowing the same to have been stolen, so far as the same is contrary to the provisions of this Ordinance, is hereby repealed.

Illegal Compounding of Theft.

Penalty for illegal compounding of theft.

2. Every person from whom any property shall have been stolen, who shall directly or indirectly agree with the offender, whether he be the thief or the person receiving the stolen property, knowing the same to have been stolen, to forego or fail to give the necessary information, with the view to his prosecution for such offence, upon the condition, express or implied, of receiving back such property, or receiving compensation for the same, shall, on conviction thereof, be liable to be imprisoned, with or without hard labour, for any period not exceeding one year, and shall forfeit to the Crown the value of the property or compensation so received.

Offences to be tried in District Court.

3. Every offence under this Ordinance shall be tried in the District Court, and not otherwise.

Commencement of Ordinance.

4. This Ordinance shall commence and take effect on the publication thereof in the *Government Gazette*.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 20th day of March, 1855.

By command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By order of the Legislative Council,

(Signed) EDMD. TATHAM,
Acting Clerk of the Council.

Customs.

ORDINANCE No. 6, 1855.

(Signed) H. COOPER,

Ordinance for the general management and regulation of the Customs in the District of Natal.

WHEREAS Her Majesty has made and issued an Order in Council, *Preamble.*
in the words and figures following, that is to say:—

“ At the Court of Buckingham Palace, the 5th day of March,
“ 1852.

“ Present—

“ The Queen’s Most Excellent Majesty,

“ His Royal Highness Prince Albert,

“ Lord Chancellor,	Earl of Jersey,
“ Lord President,	Earl of Hardwicke,
“ Lord Privy Seal,	Earl of Malmsbury,
“ Lord Steward,	Lord John Manners,
“ Duke of Northumberland,	Mr. Chancellor of the Exchequer,
“ Lord Chamberlain,	
“ Earl Derby,	Mr. Henley.

“ Whereas, by a certain Act of Parliament, made in the
“ session of Parliament, holden in the third and fourth years
“ of the reign of his late Majesty King William the Fourth,
“ entitled ‘An Act to regulate the Trade of the British
“ ‘Possessions abroad,’ it was amongst other things enacted,
“ that it should be lawful for His Majesty, by and with the
“ advice of his Privy Council, by any Order or Orders in
“ Council, to be issued from time to time, to give such
“ directions, and make such regulations, touching the trade
“ and commerce to and from any British possessions on or
“ near the continent of Europe, or within the Mediterranean
“ Sea, or in Africa, or within the limits of the East India
“ Company’s charter (excepting the possessions of the said
“ Company), as to His Majesty in Council should appear
“ most expedient and salutary, anything in the said act to
“ the contrary notwithstanding, which provisions were re-
“ enacted by a certain other act, made in the session of
“ Parliament, holden in the eighth and ninth years of Her
“ present Majesty Queen Victoria, similarly entitled ‘An
“ ‘Act to regulate the Trade of the British Possessions
“ ‘abroad:’

“ And whereas, by certain Orders made by Her Majesty
“ in Council, on the 11th day of July, 1839, the 26th
“ September, 1846, and the 24th April, 1847, in pursuance
“ of the said acts respectively, Her Majesty made certain
“ regulations, and ordered that certain duties of customs
“ should be levied in the island of St. Helena, the District of
“ Natal, and the Colony of the Cape of Good Hope respec-
“ tively:

Customs.

“ And whereas, it is expedient to enable the Legislatures
 “ of the said Island, District, and Colony respectively, to alter
 “ or repeal all or any of such duties of customs as aforesaid,
 “ and all such regulations as are made in and by the said
 “ orders respectively:

“ Her Majesty doth, therefore, with the advice of the
 “ Privy Council, and in pursuance and exercise of the powers
 “ so vested in her by the said recited Acts of Parliament,
 “ and of all other powers enabling her in that behalf, order,
 “ and it is hereby ordered:

“ That if and whenever the Legislatures of the Island of
 “ St. Helena, District of Natal, and Cape of Good Hope
 “ respectively shall make or pass any Act or Ordinance, in
 “ the manner and subject to the conditions which are or may
 “ be by law required in respect of Acts or Ordinances of
 “ such Legislatures respectively, altering or repealing all or
 “ any of the said duties of customs imposed or regulations
 “ made in and by the said Orders respectively; and if Her
 “ Majesty shall confirm or assent to such Act or Ordinance,
 “ in such manner as Acts or Ordinances passed by such
 “ Legislatures respectively are or shall be by law subject to
 “ her confirmation or assent, such duties or regulations shall,
 “ upon the proclamation of such confirmation or assent in
 “ the said Island, District, or Colony, or at any time thereafter
 “ which shall be fixed by such Act or Ordinance, be so
 “ altered or repealed as if such alteration or repeal had been
 “ effected by order of Her Majesty, with the advice of her
 “ Privy Council:

“ Provided always, that no duty be imposed by any such
 “ Act or Ordinance upon the importation into any of the
 “ said colonies of any article the produce or manufacture of
 “ or imported from any particular country or place which
 “ shall not be equally imposed on the importation into the
 “ same colony of the like article the produce or manufacture
 “ of or imported from all other countries and places what-
 “ soever:

“ And the Right Honourable Sir John Pakington, Baronet,
 “ one of Her Majesty's Principal Secretaries of State, is to
 “ give the necessary directions herein accordingly.

“ (Signed) Wm. L. BATHURST.”

And whereas, it is expedient that such an Ordinance as aforesaid
 should be enacted for establishing certain regulations in lieu and
 instead of all regulations heretofore in force touching the trade and
 commerce to and from this District:

Be it therefore enacted, by the Acting Lieutenant Governor of
 the District of Natal, by and with the advice and consent of the
 Legislative Council thereof, as follows:—

I.—Repeal of former Laws.

Repeal of former
 regulations.

1. From and after the commencement of this Ordinance, the
 whole of the regulations and provisions contained in the aforesaid

Customs.

Order of Her Majesty in Council, bearing date the 26th day of September, 1846, shall be and the same are hereby repealed.

II.—Officers.

2. Every person employed on any service relating to the Customs within this District by order or with the concurrence of the Lieutenant Governor or the Collector of Customs (whether previously or subsequently expressed) shall be deemed to be the officer for that service.

Who shall be deemed officers.

3. Every person who shall be appointed to any office in the Customs shall, before his admission, give security for the due and faithful discharge of his duties.

Officers to give security;

4. Every person who shall be appointed to any office or employment in the Customs shall on his admission make the following declaration, viz.:

And make declaration.

Vide Law 14, 1869.

"I, A.B., do declare that I will be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge and inspection in the service of the Customs of the District of Natal; and that I will not require, take, or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service, act, duty, matter, or thing done or performed, or to be done or performed in the execution or discharge of any of the duties of my office or employment, on any account whatever, other than my salary, and what is or shall be allowed me by law, or by any special order or regulation of the Lieutenant Governor."

5. Every person in the Customs department who shall accept any fee, perquisite, or reward, whether pecuniary or otherwise, directly or indirectly, from any person (not being a person duly appointed to some office in the Customs), on account of anything done or omitted to be done by him in or in any way relating to his office or employment, except such as he shall receive under permission of the Lieutenant Governor shall, on proof thereof to the satisfaction of the Lieutenant Governor, be dismissed from his office.

Fees, perquisites, or rewards not to be accepted.

6. Every person (not being a person appointed to some office in the Customs) who shall give, offer, or promise to give any such fee, perquisite, gratuity, or reward as aforesaid, shall for every such offence forfeit the sum of one hundred pounds.

Not to be offered.

7. All commissions, deputations, and appointments granted to any officers of the Customs prior to the commencement of this Ordinance, shall continue in force as if the same had been granted under the authority of this Ordinance; and all bonds or other securities which shall have been given by or for any such officers, and their sureties for good conduct or otherwise, shall remain in full force.

Existing appointments to remain in force.

8. The Lieutenant Governor may from time to time appoint the hour of general attendance of officers of the Customs at their proper offices and places of employment.

Attendance regulated by Lieutenant Governor.

9. No day shall be kept as a public holiday by the Customs, except Christmas Day, Good Friday, and New Year's Day, and any

Holidays.

Vide Law 15, 1862. § 1.

Customs.

days appointed for the purpose of a general fast, or of a general thanksgiving, and for the celebration of the birthdays of Her Majesty and of her successors.

Officers exempt
from serving on
juries, &c.

10. No officer, clerk, or other person, acting in the management or collection of the Customs shall be compelled to serve in the militia, or on any jury or inquest, or to act in any corporate, parochial, or other public office.

III.—General Powers of Officers.

Collector to
specify waterside
regulations.

11. It shall be lawful for the Collector of Customs, to specify, by notice under his hand, the places for the landing and examination of goods, and to make other water-side regulations, from time to time, as may be necessary for the due collection of the revenue; and all goods fraudulently landed contrary to such notice or regulations, shall be forfeited.

Collector may
take evidence on
oath.

12. The Collector of Customs, upon examinations made for ascertaining the truth of facts relative to the Customs, or to the conduct of officers employed therein, may examine, on oath, any person as a witness.

Penalty for false
swearing.

13. If any person shall be convicted of making a false oath, touching any of the facts testified on oath, or of giving false evidence on such examination before the Collector, he shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Oath adminis-
tered by
Collector.

14. Where proof on oath shall be required by this, or any other Ordinance, relating to the Customs, or for the satisfaction or consideration of the Lieutenant Governor, the Collector is hereby empowered to administer the usual oath.

Officers of cus-
toms to board
ships.

15. The officers of Customs may board any ship arriving at the port of this District, or being within one league of the coast, and may stay on board until all goods laden in such ship for Port Natal shall have been duly delivered from the same.

Powers of cus-
toms officers' on
boarding ships.

16. The officers of Customs on board of any ship, shall have free access to every part of such ship, with power to fasten down hatchways, and to mark any goods before landing; and to lock up, seal, mark, or otherwise secure, any goods on board such ship.

Concealed goods
shall be forfeited.

17. The officers of Customs on board any ship, wherein any place, box, or chest, shall be locked, and where the keys shall be withheld, if they be of a degree superior to tide-waiters, may open any such place, box, or chest, in the best manner in their power; and if any goods liable to duty be found concealed on board any such ship, they shall be forfeited.

Penalty for
breaking, &c.,
seals or marks
affixed by officers

18. If an officer of Customs shall place any lock, mark, or seal, upon any goods on board of any ship, and if such lock, mark, or seal be wilfully opened, altered, or broken, before due delivery of such goods, or if any such goods be secretly conveyed away, or if the hatchways, after having been fastened down by the officers, be opened, the master of such ship shall forfeit a sum not exceeding one hundred pounds.

Officer stationed
on board.

19. The Collector may station any officer or officers on board any vessel while within the limits of the port of this District; and the master of every such ship shall provide such officer or officers suffi-

Customs.

cient room under deck, in some part of the fore-castle or steerage, for his bed or hammock; and in case of neglect or refusal so to do, shall forfeit any sum not exceeding twenty pounds.

20. All sums of money payable by law to the Collector of Customs as duties, penalties, or forfeitures, shall be in sterling money of Great Britain; and all weights and measures used in the service of the Customs, shall be the imperial weights and measures now by law established; and in all cases where such duties are imposed according to specified quantity or value, the same shall be deemed to apply in the same proportion to any greater or less quantity.

Money, weights, &c., used in transactions of Customs department.

21. All goods, wares, and merchandise, the property of the Crown, shall, in case of sale thereof, be liable to, and be charged with, the same duties as may be payable on such goods, wares, or merchandise, not being the property of the Crown.

Property of the Crown, if sold, liable to duty.

22. All moneys collected as duties of Customs at Port Natal, shall be paid by the Collector to the Treasurer of the District, or other proper officer duly authorised to receive the same.

Duties collected, to whom payable.

23. All penalties and forfeitures recovered in this District, under this, or any future ordinance or act of the Legislature of this District, relating to the Customs, shall be paid into the hands of the Collector, or principal officer of Customs, and shall be divided, paid, and applied, as follows, that is to say:—After deducting the charges of prosecution, if any, and of the costs of sale, from the produce, two third parts of the nett produce shall be paid into the hands of the Collector, or principal officer of Customs, for the use of Her Majesty the Queen, in her District Treasury, and the other third part to the person who shall have seized the matter or things condemned.

Penalties, forfeitures, &c., how applied.

IV.—Arrival and Departure of Ships.

24. All ships arriving at, or departing from, this District, shall enter and clear at the port of Port Natal, and not elsewhere.

Ships to enter and clear at Port Natal.

25. The master of every ship arriving at the port of this District, whether laden or in ballast, shall, within twenty-four hours after such arrival, and before bulk be broken, come to the Custom house for the port, and there make a report, in writing, to the Collector, or other proper officer, of the arrival and voyage of such ship, and shall make and subscribe a declaration to the truth of the same; and such report shall state the name, country, and tonnage, of such ship, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast; if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods, if any, had been unladen during the voyage, as far as such particulars can be known to him.

Masters of ships to report arrival, and other particulars.

26. The master of such ship shall answer all such questions concerning the ship and cargo, and the crew and the voyage, as shall be demanded of him by the Collector, or other proper officer.

Master to answer questions.

27. If any goods which the master is bound to report before landing, be unladen from any ship, before such report be made, or if the master fail to make such report, or make an untrue report, or

Penalty for evading report, or making the same untrue.

Customs.

do not answer truly the questions demanded of him, he shall forfeit the sum of one hundred pounds, and if any goods be not reported, such goods shall be forfeited.

Name of master to be endorsed on certificate of ship's registry.

28. The Collector, or other principal officer of Customs, may refuse to admit any person to do any act, at the port of this District, as master of any British ship, unless the name shall be inserted in, or have been endorsed upon, the certificate of registry of such ship, as being the master thereof, or until the name of the master shall have been so endorsed by the proper officer, at such port as aforesaid.

Masters of ships to deliver entry outwards before taking in cargo.

29. The master of every ship bound from the port of this District, shall, before any goods be laden therein, deliver to the Collector, or other proper officer, an entry outwards, under his hand, of the destination of such ship, stating her name, country, and tonnage, and, if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship; and if any goods be laden on board any ship, before such entry be made, the master of such ship shall forfeit the sum of fifty pounds; and before such ship depart, the master shall bring and deliver to the Collector, or other proper officer of Customs, a content, in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any such particulars can be known to him; and the master of every ship bound from the said port, whether in ballast or laden, shall, before departure, come before the Collector, or other proper officer, and answer all such questions, concerning the ship and the cargo, if any, and the crew and the passengers, and the voyage, as shall be demanded of him by such officer; and thereupon the Collector, or other proper officer, if such ship be laden, shall make out, and give to the master, a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of one hundred pounds.

And furnish content of cargo;

And state particulars, if questioned.

And receive from Collector of Customs a certificate of clearance.

Penalty for departing without clearance, &c.

V.—Importation.

Goods to be imported only into Port Natal.

30. No goods shall be imported into this District, by sea, except into the port of Port Natal, and if any goods shall be imported into the District, contrary hereto, such goods shall be forfeited.

Goods not to be unladen till due entry made, and to be landed under inspection of proper officer.

31. No goods shall be unladen from any ship in the District of Natal until due entry shall have been made of such goods and warrant granted for the unloading of the same; and no goods shall be so unladen except at some place at which an officer of the Customs is appointed to attend the lading or unloading of goods, or at some place for which a sufferance shall be granted by the Collector or other principal officer for the lading and unloading of such goods; and no goods shall be so unladen, except in the presence or with the permission in writing of the proper officer; and all goods unladen contrary to the regulations of this Ordinance, or contrary to any regulations so made and appointed, shall be forfeited.

Customs.

32. The person entering any goods, shall deliver to the Collector, or other proper officer, a bill of the entry thereof, fairly written in words, at length, containing the name of the importer, and of the ship, and of the master, and of the place from which bound, and of the place within the port where the goods are to be unladen, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the United Kingdom, or of the British Possessions, or not; and shall also deliver, at the same time, one or more duplicates of such bill, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such bill of entry, shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector, or other principal officer, shall require, and such person shall, at the same time, pay down all duties due upon the goods, and the Collector, or other proper officer, shall thereupon grant their warrant for the unloading of such goods.

Bill of entry to be delivered to Collector.

33. The master of every ship arriving at Port Natal, shall, at the time of making such report, deliver to the Collector, or other proper officer of the Customs, if required, the bill of lading, or a copy thereof, for every part of the cargo laden on board, and shall answer all such questions relating to the said bill of lading, or a copy thereof, as shall be put to him by such Collector, or proper officer; and in case of failure or refusal to answer such questions, or to answer truly, or to produce such bill of lading, or copy thereof, or if any such bill of lading, or copy, shall be false, and the goods expressed therein be short of the quantity actually shipped on board such ship, or if, after the arrival of any ship within one league of the coast of this District, bulk shall be broken, or any alteration made in the stowage of the cargo, or in the contents of the packages on board such ship, so as to prevent the proper collection of the duties, in every such case, unless satisfactorily accounted for to the Collector, such master shall forfeit the sum of one hundred pounds.

Bill of lading to be delivered to Collector.

34. If the importer of any goods shall make and subscribe a declaration before the Collector, or other proper officer, that he cannot for want of full information, make perfect entry thereof, it shall be lawful for the Collector, or other proper officer, to receive an entry, by bill of sight, for the packages or parcels of such goods, by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the Collector, or other proper officer of the Customs, and at the expense of the importer, and may be seen and examined, by such importer, in the presence of the proper officers; and within three days after the goods shall have been so landed, the importer shall make a perfect entry thereof, and pay down all duties due thereon, and in default of such entry, such goods shall be taken to the Queen's warehouse; and if the importer shall not, within one month after such landing, make perfect entry of such goods, and pay the duties due thereon, together with charges of removal and warehouse rent, such goods shall be sold for the payment thereof, and the overplus, if any, shall be paid to the proprietor of the goods.

When entry of goods cannot be perfectly made, entry to be received by bill of sight.

Customs.

When duties payable on value of goods, value to be ascertained by declaration of importer ;

35. In all cases where the duties imposed by Ordinance, upon the importation of articles into Port Natal, are charged not according to the weight, tale, guage, or measure, but according to the value thereof, such value shall be ascertained by the declaration of the importer of such articles, or his known agent, in manner and form following, that is to say:—

“ I, A. B., do hereby declare that the articles mentioned
“ in this entry, and contained in the packages (*here specifying*
“ *the several packages, and describing the several marks and*
“ *numbers, as the case may be*), are of the value of
“ Witness my hand the day of 18 .

“ A. B.

“ The above declaration signed the day of
“ 18 , in the presence of

“ C. D.,

“ Collector of Customs

“ (*or other principal officer*).”

Or declaration, on oath, of invoice price ;

Which declaration shall be written on the bill of entry of such articles, and shall be subscribed with the hand of the importer thereof, or his known agent, in the presence of the Collector, or other principal officer of the Customs: Provided, that if, upon view and examination of such articles, by the proper officer of the Customs, it shall appear to him that the said articles are not valued according to the true price or value thereof, and according to the true intent and meaning of this Ordinance, then, and in such case, the importer, or his known agent, shall be required to declare, on oath, before the Collector, or other proper officer, what is the invoice price of such articles, and that he verily believes such invoice price is the current value of the articles, at the place from whence the said articles were imported ; and such invoice price, with the addition of ten pounds *per centum* thereon, shall be deemed to be the value of the articles, in lieu of the value so declared by the importer or his known agent, and upon which the duties imposed by this Ordinance shall be charged and paid: Provided also, that if it shall appear to the Collector, or other proper officer, that such articles have been invoiced below the real and true value thereof, at the place from whence the same were imported, or if the invoice price is not known, the articles shall in such case be examined by two competent persons, one to be nominated by the Collector of Customs, and the other by the importer of the goods, and in case of difference of opinion, by a person to be nominated by the Resident Magistrate of Durban, for the time being, whose award shall be final, and such persons shall declare on oath, before the Collector or other proper officer of Customs, what is the true and real value of such articles in this District, and the value so declared on the oaths of such persons, shall be deemed to be the true and real value of such articles, and upon which the duties imposed by this Ordinance shall be charged and paid.

Or declaration, on oath, of persons appointed to examine the goods.

On refusal to pay duties, goods to be seized and sold.

36. If the importer of such articles shall refuse to pay the duties due thereon, it shall be lawful for the Collector, or other chief officer of the Customs, and he is hereby required to take and secure the same, with the casks or other packages thereof, and to cause the same to be publicly sold, within the space of twenty days at the most, after

Customs.

such refusal made, and at such time and place as such officer shall, by four or more days public notice in the *Government Gazette*, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising from the sale thereof, shall be applied, in the first place, in payment of the said duties, together with the auction dues and other charges that shall have been occasioned by the said sale, and the overplus, if any, shall be paid to such importer or proprietor, or any other person authorised to receive the same.

37. Every importer of any goods shall, within fourteen days after the arrival of the importing ship, make due entry inwards of such goods, and land the same; and in default of such entry and landing, it shall be lawful for the officers of the Customs to convey such goods to the Queen's warehouse; and if the duties due upon such goods be not paid within three months after such twenty days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied, first to the payment of freight and charges, next of duties, and auction charges, and the overplus, if any, shall be paid to the proprietor of the goods, or any other person authorised to receive the same.

Entry inwards
and landing of
goods.

38. Whenever any goods shall be taken to, and secured in, any of the Queen's warehouses in this District, for security of the duties thereon, or to prevent the same coming into home use, it shall be lawful for the Collector, or other principal officer of Customs, to charge, and demand, and receive, warehouse rent for such goods, for all such time as the same shall remain in such warehouse: Provided always, that it shall be lawful for the Collector of Customs, with the sanction of the Lieutenant Governor, to fix the rates, or amount of rent, which shall be payable for any goods secured in any of the Queen's warehouses aforesaid.

Warehouse rent
for goods in
Queen's ware-
houses.

39. No entry, nor any warrant for the landing of any goods, or for the taking of any goods out of any warehouse, shall be deemed valid, until the particulars of the goods and packages in such entry, shall correspond with the particulars of the goods and packages, purporting to be the same in the report of the ship, or in the certificate, or other document, where any is required, by which the importation or entry of such goods is authorised, nor unless the goods shall have been properly described in such entry, by the denominations, and with the characters and circumstances, according to which such goods are charged with duty, or may be imported; and any goods taken or delivered out of any ship, or out of any warehouse, by virtue of any entry or warrant, not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

Entry or warrant
for landing
goods, when not
valid.

40. The unshipping, carrying, and landing, of all goods, and the bringing of the same to the proper place, after landing, for examination, or for weighing, or for gauging, and the putting the same in the scales, and the taking the same out of and from the scales, after weighing, shall be performed by, or at the expense of, the importer.

Expense of exa-
mining, weigh-
ing, &c., to be
borne by
importer.

41. Whenever any person shall make application to any officer of Customs, to transact any business on behalf of any other person,

Agents to be
authorised.

Customs.

such officer may require of the person so applying, to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority, refuse to transact such business.

Samples of
spirits to be
taken.

42. The officers of Customs may, on the entry of any spirits, or at any time afterwards, take samples thereof for examination, or for ascertaining the duties payable on the same, or for such other purpose as the Collector of Customs may deem necessary; and such samples shall be disposed of, and accounted for, in such manner as the Collector of Customs may direct.

VI.—Warehousing.

Warehousing
port.
Vide Law 18,
1866, § 2.
Collector to ap-
point warehouses
Vide Law 18,
1866, § 3.

43. The port of Port Natal shall be a free warehousing port for all the purposes of this Ordinance.

44. It shall be lawful for the Collector of Customs, at Port Natal, by notice, in writing, under his hand, to appoint, from time to time, such warehouses at that port as shall be approved of by him, for the free warehousing and securing of goods therein, for the purposes of this Ordinance; and also, in such notice, to declare what sorts of goods may be so warehoused, and also, by like notice, to revoke or alter any such appointment or declaration; provided always, that every such notice shall be transmitted to the Lieutenant Governor, and shall be published in the *Government Gazette*.

Goods ware-
housed free of
duty.
Vide Law 18,
1866, § 4.

45. It shall be lawful for the importer of any such goods into Port Natal, to warehouse the same in the warehouses so appointed, without payment of any duty on the first entry thereof, subject, nevertheless, to the rules, regulations, restrictions, and conditions hereinafter contained.

Collector to
regulate ware-
housing, &c.
Vide Law 18,
1866, § 14.

46. All goods so warehoused, shall be stowed in such parts or divisions of the warehouse, and in such manner as the Collector shall direct, and the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations, as the Collector shall direct; and all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried to be shipped, under such rules and regulations as the Collector shall direct.

Bond to be given
by importer;
Vide Law 18,
1866, § 14.

47. Upon the entry of any goods to be warehoused, the importer of such goods, instead of paying down the duties due thereon, shall give bond, with one sufficient surety, to be approved by the Collector, in treble the duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all duties due upon such goods, or for the exportation thereof, according to the first account taken of those goods upon the landing of the same; and with further condition, that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon due entry for exportation; and with further condition, that the whole of such goods shall be so cleared from such warehouse, and the duties, upon any deficiency of the quantity, according to such first account, shall be paid within two years from the date of the first entry thereof; and

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if, after such bond shall have been given, the goods, or any part thereof, shall be sold or disposed of, so that the original bonder shall be no longer interested in, or have any control over, the same, it shall be lawful for the Collector to admit fresh security to be given by the bond of the new proprietor, or other person having control over such goods, with his sufficient surety, and to cancel the bond given by the original bonder of such goods, or to exonerate him to the extent of the fresh security so given.

Or proprietor of
warehoused
goods.

48. If any goods which have been entered to be warehoused, shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be re-landed, except with the permission of the proper officer of the Customs, such goods shall be forfeited.

Infraction of
warehouse regu-
lations punish-
able by forfeiture
Vide Law 18,
1866, § 14.

49. If any goods shall be taken out of any bonding warehouse without due entry of the same, the occupier of the warehouse shall forthwith pay the duties due thereon; and every person so taking out goods without payment of duty, or who shall assist or be concerned therein; and every person who shall wilfully destroy, embezzle, or pilfer any goods duly warehoused or entered to be warehoused, or while being conveyed in boats or carriages to the warehouse mentioned in the bond given by the importer of the goods, shall be deemed guilty of theft; and shall upon conviction thereof, suffer the punishment by law inflicted in cases of misdemeanour.

Penalties on
taking out
bonded goods.
Vide Law 18,
1866, § 14.

50. Upon the entry and landing of any goods to be warehoused, the proper officer of the Customs shall take a particular account of the same, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse except upon due entry, and under the care of the proper officers for exportation, or upon due entry and payment of duty for home use: and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which the duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages, if any, which may have been abandoned for duties; and if upon such account there shall in either case appear to be any deficiency of the original quantity, the duty payable upon the amount of such deficiency shall then be paid.

Regulations
regarding ware-
housed goods.
Vide Law 18,
1866, § 14.

51. The Collector may, under such regulations as he shall see fit, permit moderate samples to be taken of any goods so warehoused without entry and without payment of duty, except as the same shall eventually become payable as on a deficiency of the original quantity.

Samples of ware-
housed goods.
Vide Law 18,
1866, § 14.

52. The Collector may, under such regulations as he shall see fit, permit the proprietor or other person having control over the goods so warehoused, to sort, separate, and pack and re-pack any such goods, and to make such lawful alterations therein or arrange

Sorting, packing,
&c., of ware-
housed goods.
Vide Law 18,
1866, § 14.

Customs.

ments and assortments thereof as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any parts of such goods so separated to be destroyed, but without prejudice to the claim for duty upon the whole original quantity of such goods: Provided always, that it shall be lawful for any person to abandon any whole packages to the officers of the Customs for the duties without being liable to any duty upon the same.

Warehoused goods to be cleared within two years.

Vide Law 18, 1866, § 14.

53. All goods which have been so warehoused or re-warehoused shall be duly cleared, either for exportation or for home consumption, within two years from the day of first entry for the warehousing thereof; and if any such goods be not so cleared, it shall be lawful for the Collector to cause the same to be sold, and the produce shall be applied first to the payment of the duties, next of warehouse rent, auction and other charges, and the overplus, if any, shall be paid to the proprietor: Provided always, that it shall be lawful for the Collector to grant further time for any such goods to remain warehoused, if he shall see fit so to do.

Bond to be given by exporter of warehoused goods.

54. Upon the entry outwards of any goods to be exported from the warehouse, the person entering the same shall give security by bond in treble the duties of importation on the quantity of such goods; or, if such goods are prohibited to be imported for home use, in double the value of such goods; with one sufficient surety to be approved by the Collector, that the same shall be landed at the place for which they be entered outwards, or be otherwise accounted for to the satisfaction of the Collector.

Former appointments of warehouses and former bonds to remain in force.

55. All appointments of warehouses for the warehousing of goods made under the authority of any Order of Her Majesty in Council heretofore or at present in force in this District, shall continue in force as if the same had been made under the authority of this Ordinance; and all bonds given in respect of any goods warehoused or entered to be warehoused under any Order in Council in force at the time of the commencement of this Ordinance shall continue in force for the purposes of this Ordinance.

Duties on goods warehoused under Order in Council.

56. All goods whatsoever which now are or may be deposited in any warehouse or place of security under Orders of Her Majesty in Council, authorising the warehousing of goods without payment of duty upon the first importation thereof, or which may be imported and on board any ship or vessel, shall, upon being entered for home consumption, be subject and liable to such and the like duties as may be due and payable on the like sort of goods imported under any Ordinance imposing Customs duties which shall be in force at the time of passing such entry.

VII.—*Exportation.*

Goods to be exported from Port Natal.

57. No goods, except the produce of fisheries in British ships, shall be exported from this District by sea except from the port of Port Natal; and if any goods be exported from this District contrary hereto, such goods shall be forfeited, and the exporter thereof liable to a penalty not exceeding one hundred pounds.

Goods, how to be laden.

58. No goods shall be laden, or water-borne to be laden, on board any ship in this District until due entry shall have been made

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of such goods and warrant granted for the landing of the same; and no goods shall be so laden, or water-borne, except at some place at which an officer of the Customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the Collector, or other principal officer, for the lading and unlading of such goods, and no goods shall be so laden, except in the presence, or with the permission, in writing, of the proper officer: Provided always, that it shall be lawful for the Lieutenant Governor, by proclamation, to make and appoint such other regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment, as to him shall appear expedient; and all goods laden or water-borne contrary to the regulations of this Ordinance, or contrary to any regulations so made and appointed, shall be forfeited.

59. The person entering any goods outwards, shall deliver to the Collector, or other proper officer, a bill of the entry thereof, fairly written in words, at length, containing the name of the exporter, and of the ship, and of the master, and of the place to which bound, and of the place, within the port, where the goods are to be laden, and the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers on the packages, and setting forth whether such goods be the produce of the British Possessions or not, and shall also deliver, at the same time, one or more duplicates of such bill, in which all sums and numbers may be expressed in figures, and the particulars to be contained in such bill of entry, shall be written and arranged in such form and manner, and the number of such duplicates shall be such, as the Collector, or other principal officer, shall require, and the Collector, or other principal officer, shall thereupon grant their warrant for the lading of such goods.

Bill of entry
outwards.

60. In case of the transshipment of goods entered to be warehoused at Port Natal, the bond required to be given by the 47th section of this Ordinance, upon the entry of the goods, is to be dispensed with, and the transshipment allowed to take place, under the care and superintendence of the officers of Customs, on due entries, inwards and outwards, being previously passed for the goods, and bond being entered into for the exportation of the same, in like manner as if they had been actually landed and deposited in the warehouse.

Transshipment of
goods entered to
be warehoused.

VIII.—*Smuggling.*

61. It shall be lawful for the officers of Customs to go on board any ship in Port Natal, and to rummage and search all parts of such ship for prohibited and uncustomed goods, and also to go on board any ship hovering within one league of the coast of this District, and, in either case, freely to stay on board such ship so long as she shall remain in such port, or within such distance; and if any such ship be bound elsewhere, and shall continue so hovering for a space of twenty-four hours after the master shall have been required to depart, it shall be lawful for the officer of Customs to bring such ship into port, and to search and examine her cargo, and to examine the

Right of search
by officers of
Customs.

Customs.

master, on oath, touching the cargo and voyage, and if there be any goods on board, prohibited to be imported into this District, such ship and her cargo shall be forfeited; and if the master shall not truly answer the questions which shall be demanded of him on such examination, he shall forfeit the sum of one hundred pounds.

Penalties for removing or receiving goods liable to forfeiture.

62. All vessels, boats, carriages, and cattle, made use of in the removal of any goods liable to forfeiture under this Ordinance, or any act relating to the Customs, or to trade or navigation, shall be forfeited, unless cause be shown, to the satisfaction of the Collector of Customs, that the owner, or person in charge of such carriage or cattle, was no party to the illegal removal of the said goods; and every person who shall assist, or be otherwise concerned, in the unshipping, landing, or removal, or in the harbouring of such goods, or into whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of one hundred pounds, at the election of the officers of Customs; and the averment, in any information or libel to be exhibited for the recovery of such penalty, that the officer proceeding has elected to sue for the sum mentioned in the information, shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

Seizure of goods, &c., liable to forfeiture.

63. All goods, and all ships, vessels, and boats, and all carriages, and all cattle, liable to forfeiture under this Ordinance, or any act relating to the Customs, or to trade or navigation, shall and may be seized and secured by any officer of the Customs; and every person who shall, in any way, hinder, oppose, molest, or obstruct, any officer of the Customs, in the exercise of his office, or any person acting in his aid or assistance, shall, for every such offence, forfeit the sum of two hundred pounds.

Penalty for collusion or breach of trust;

64. If any officer of Customs, or any person duly employed for the prevention of smuggling, shall make any collusive seizure, or deliver up, or make any agreement to deliver up, or not to seize any vessel, boat, or goods, liable to forfeiture under this Ordinance, or any act relating to the Customs, or to trade or navigation, or shall take any bribe, gratuity, recompense, or reward, for the neglect or non-performance of his duty, every such officer, or other person, shall forfeit, for every such offence, the sum of five hundred pounds, and be rendered incapable of serving Her Majesty in any office whatever; and every person who shall give, or offer, or promise to give, or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to do, conceal, or connive at, anything whereby the provisions of this Ordinance, or any such act, may be evaded, shall forfeit the sum of two hundred pounds.

Or bribery.

Vessels, goods, &c., seized and not claimed to be condemned.

65. All vessels, boats, goods, and other things, which shall have been, or shall hereafter be, seized as forfeited in this District, under this Ordinance, or any act relating to the Customs, or to trade or navigation, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by the 68th section of this Ordinance, unless the person, from whom such vessels, boats, goods, and other things, shall have been seized, or the owner of them, or some

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person authorised by him, shall, within one month from the day of seizing the same, give notice, in writing, to the person or persons seizing the same, or to the Collector, or other chief officer of Customs, that he claims the vessel, boats, goods, or other things, or intends to claim them.

66. Under the authority of a writ of assistance, granted by the Superior or Supreme Court of Justice, or Court of Vice Admiralty having jurisdiction in this District (who are hereby authorised and required to grant such writ of assistance, upon application made to them for that purpose by the principal officers of Her Majesty's Customs), it shall be lawful for any officer of the Customs, taking with him a peace officer, to enter any building or other place, in the day time, and to search for, and seize, and secure any goods liable to forfeiture under this Ordinance, or any act relating to the Customs, or to trade or navigation, and, in case of necessity, to break open any doors, and any chests, or other packages, for that purpose; and such writ of assistance, when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign.

Right of search
by writ of assist-
ance.

67. If any person shall, by force or violence, assault, resist, oppose, molest, hinder, or obstruct, any officer of the Customs, or other person employed as aforesaid, in the exercise of his office, or any person acting in his aid or assistance, such person, being thereof convicted, shall be adjudged guilty of assaulting an officer in the execution of his duty, and shall be proceeded against as such, and punished at the discretion, of the Court before whom such person shall be tried.

Resistance, &c.,
to officers of
Customs.

How punished.

68. All things which shall be seized, as being liable to forfeiture under this Ordinance, or any act relating to the Customs, or to trade or navigation, shall be taken forthwith, and delivered into the custody of the Collector of the Customs, at the Custom-house of this District, who shall secure the same by such means, and in such manner, as shall be provided and directed by the Lieutenant Governor; and, after condemnation thereof, the Collector shall cause the same to be sold, by public auction, to the best bidder: Provided always, that it shall be lawful for the Lieutenant Governor to direct in what manner the produce of such sale shall be applied, or, in lieu of such sale, to direct that any of such things shall be destroyed, or shall be reserved for the public service.

Goods, &c.,
seized, to be
condemned and
sold.

IX.—Legal Proceedings and Penalties.

69. All penalties and forfeitures which may have been heretofore, or may be hereafter, incurred under this Ordinance, or any act relating to the Customs, or to trade or navigation, shall and may be prosecuted, sued for, and recovered in the District Court, or Court of Vice Admiralty, having jurisdiction in this District.

Penalties, &c.,
how sued for.

70. If any goods, or any ship or vessel, shall be seized as forfeited, under this Ordinance, or any act relating to the Customs, or to trade or navigation, and detained, it shall be lawful for the judge or judges of any Court having jurisdiction, to try and determine

Goods, &c.,
seized, may be
delivered on
bond given.

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such seizures, with the consent of the Collector of Customs, to order the delivery thereof, on security, by bond, with two sufficient sureties, to be first approved by such Collector, to answer double the value of the same in case of condemnation; and such bond shall be taken to the use of Her Majesty, in the name of the Collector, or officer of the Customs, in whose custody the goods, or the ship or vessel, may be lodged, and such bond shall be delivered and kept in the custody of such Collector, or officer, and in case the goods, or the ship or vessel, shall be condemned, the value thereof shall be paid into the hands of such Collector, or officer, who shall thereupon cancel such bond.

Suit for recovery of penalties, in whose name commenced.

71. No suit shall be commenced for the recovery of any penalty or forfeiture under this Ordinance, or any act relating to the Customs, or to trade or navigation, except in the name of some superior officer of the Customs, or other person employed as hereinbefore mentioned, or of Her Majesty's Crown Prosecutor; and if a question shall arise whether any person is an officer of the Customs, or such other person as aforesaid, *viva voce* evidence may be given of such fact, and shall be deemed legal and sufficient evidence.

Proof of payment of duties to lie on owner of goods.

72. If any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties have been paid for the same, or the same have been lawfully imported, or lawfully laden, or exported, the proof thereof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

Claim to goods, &c., seized, how admitted.

73. No claim to anything seized under this Ordinance, or any act relating to the Customs, or to trade or navigation, and returned into any of Her Majesty's Courts for adjudication, shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto, shall be deemed guilty of perjury, and shall be liable to the pains and penalties to which persons convicted thereof are liable.

Claimant to give security.

74. No person shall be admitted to enter a claim to anything seized in pursuance of this Ordinance, or any act relating to the Customs, or to trade or navigation, and prosecuted in this District, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding sixty pounds, to answer and pay the costs occasioned by such claim, and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

Notice of suit against officers of Customs.

75. No writ shall be sued out against, nor a copy of any process served upon, any officer of the Customs, or other person as aforesaid, for anything done in the exercise of his office, until one month after notice, in writing, shall have been delivered to him, or left at his usual place of abode, by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of action shall be produced, other than the cause of

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action stated in such notice ; and no verdict shall be given for the plaintiff, unless he shall prove on the trial that such notice was given, and in default of such proof a verdict shall be entered for the defendant.

76. Every such action shall be brought within three months after the cause thereof, and the venue shall be laid, and the cause tried in the place or district where the facts were committed, and the defendant may plead the general issue, and under it give the special matter in evidence ; and if the plaintiff shall become nonsuited, or shall discontinue the action, or if, upon a verdict or demurrer, judgment shall be given against the plaintiff, the defendant shall receive treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

Suits, when and where brought.

Costs.

77. In case any information or suit shall be brought to trial on account of any seizure made under this Ordinance, or any act relating to the Customs or to trade or navigation, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit ; nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure ; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the things seized or the value thereof, shall not be entitled to more than twopence damages, nor to any costs of suit, nor shall the defendant in such prosecution be fined more than one shilling.

Immunity of person making seizure.

Damages.

78. It shall be lawful for such officer, within one month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas, and if the Court or jury shall find the amends sufficient they shall give a verdict for the defendant ; and in such case, or in case the plaintiff shall become nonsuited or shall discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only : Provided always, that it shall be lawful for such defendant, by leave of the Court wherein such action shall be brought, at any time before issue joined to pay money into Court, as in other actions.

Officer making seizure may tender amends.

79. In any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than twopence damages, nor to any costs of suit.

Damages and costs.

80. All actions or suits for the recovery of any of the penalties or forfeitures imposed by this Ordinance, or any act relating to the Customs or to trade or navigation, may be commenced or prosecuted at any time within three years after the offence by reason whereof such penalty or forfeiture shall be incurred, any law, usage, or custom to the contrary notwithstanding.

Suits for penalties may commence within three years.

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Appeals to be
noted within
one month.

81. No appeal shall be prosecuted from any decree or sentence of any of Her Majesty's Courts in this District, touching any penalty or forfeiture imposed by this Ordinance, or any act relating to the Customs or to trade or navigation, unless the inhibition shall be applied for and decreed within one month from the time when such decree or sentence was pronounced.

Proceedings not
suspended by
appeal.

82. Provided always, that in any case in which proceedings shall have been or shall hereafter be instituted in any Court of Vice-Admiralty, or other competent Court in this District, against any ship, vessel, boat, goods, or effects for the recovery of any penalty or forfeiture under this Ordinance, or any act relating to the Customs or to trade or navigation, the execution of any sentence or decree restoring such ship, vessel, boat, goods or effects to the claimant thereof, which shall be pronounced by the said Vice Admiralty Court, or other competent Court in this District, in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such sentence; provided, that the party or parties appellante shall give sufficient security, to be approved by the Court, to render and deliver the ship, vessel, boat, goods or effects concerning which such sentence or decree shall be pronounced, or the full value thereof, to be ascertained either by agreement between the parties, or, in case the said parties cannot agree, then by appraisement under the authority of the said Court to the appellant or appellants, in case the sentence or decree so appealed from shall be reversed, and such ship, vessel, boat, goods, or effects be ultimately condemned.

Unless upon
security given.

Penalties for
falsifying, or
using false
documents.

83. If any person shall within this District counterfeit or falsify, or wilfully use when counterfeited or falsified, any entry, warrant, cocket, transire, or other document for the unlading, lading, entering, reporting, or clearing any ship or vessel, or for the landing, shipping, or removing of any goods, stores, baggage, or article whatever; or shall by any false statement procure any writing or document to be made for any such purposes, or shall falsely make any oath or affirmation required by this Ordinance, or shall forge or counterfeit a certificate of the said oath or affirmation, or shall publish such certificate knowing the same to be so forged or counterfeited; every person so offending shall for every such offence forfeit the sum of two hundred pounds: and such penalty shall and may be prosecuted, sued for, and recovered in like manner and by such ways and means as any penalty may be prosecuted, sued for, and recovered under the provisions and directions of this Ordinance.

Offences punish-
able by imprison-
ment.

84. Any person adjudged guilty of any offence under this Ordinance may, in default of the payment of the penalty imposed, be imprisoned, with or without hard labour, for any period not exceeding three years, unless such penalty be sooner paid.

Appeals.

85. Every appeal from the decision of any of Her Majesty's Courts in this District shall be made and prosecuted to the Queen in Council; and the appellant shall give security, to the satisfaction of the Court, for the due prosecution of such appeal, and also to abide by and perform the judgment of the Court, in the event of the judgment or sentence not being reversed,

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86. This Ordinance shall commence and take effect on and from a period of one month after proclamation shall have been made by the Lieutenant Governor of Her Majesty's confirmation or assent having been given thereto.

Date of effect
given to this
Ordinance

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 22nd day of May, 1855.

By Command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEAUNT,
Colonial Secretary.

By order of the Legislative Council,

(Signed) JOHN BIRD,
Clerk of the Council.

ORDINANCE No. 7, 1855.

Ordinance for levying certain Duties of Customs on articles imported into the District of Natal.

Repealed by Law No. 19, 1859, § 1.

ORDINANCE No. 8, 1855.

Ordinance to regulate the Distillation of Spirituous Liquors within the District of Natal; and for the levying certain Duties on the consumption thereof.

Repealed by Law No. 31, 1865, § 1.

ORDINANCE No. 9, 1855.

Ordinance for applying a sum not exceeding £6,002 15s. 7d. for the service of the years 1852, 1853, and 1854.

ORDINANCE No. 10, 1855.

Ordinance for applying a sum not exceeding £32,615 13s. 6d., for the service of the year 1856.

Wills, &c.

ORDINANCE No. 11, 1855.

Ordinance to repeal the Ordinance No. 8, 1854, entitled "an Ordinance to promote the establishment of Volunteer Corps for the defence of the District;" and to re-enact the said Ordinance, with certain amendment.

Repealed by Law No. 15, 1872.

ORDINANCE No. 1, 1856.

(Signed) H. COOPER.

Ordinance to grant to certain natural born subjects of Great Britain and Ireland, resident in this District, the right to dispose, by Last Will and Testament, of their real and personal property, according to the law of England.

Preamble.

WHEREAS it is expedient to exempt persons settled in this District, being natural born subjects of the United Kingdom of Great Britain and Ireland, from the operation of the laws in force in this District, relating to testamentary dispositions of property, both real and personal, and also to make provision for exempting such natural born subjects of the United Kingdom of Great Britain and Ireland, from the said law, in cases of marriage contracted within this District:

Be it therefore enacted, by the Acting Lieutenant Governor of the District of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Natural born subjects of the Queen may dispose of property by will according to the law of England.

1. Any natural born subject of Great Britain and Ireland, resident within this District, may exercise all and singular the rights which such natural born subject could or might exercise according to the laws and customs of England, in regard to the disposal, by last will or testament, of property, both real and personal, situated in this District, to all intents and purposes as if such natural born subject resided in England.

If married at Cape of Good Hope or Natal previous to date of this Ordinance joint deed to be executed by the spouses.

Vide Law 22, 1863, § 7.

2. Any such natural born subject as aforesaid, who has contracted marriage prior to the passing of this Ordinance, either in this District, or in the Colony of the Cape of Good Hope, and resident in this District, may reserve to himself the rights extended to natural born subjects of the United Kingdom of Great Britain and Ireland, by this Ordinance; provided that the parties to such marriage shall duly and jointly execute, before a notary public in this District, a deed, testifying their consent to such natural born subject exercising all and singular the rights possessed by such natural born subject, as to the disposal, according to the laws and customs of England, by last will and testament, of property, both real and personal, situated in this District.

Ante-nuptial contract required by those who marry after date of this Ordinance.

3. Any natural born subject as aforesaid, who shall, after the passing of this Ordinance, enter into marriage within this District, shall not be entitled to exercise the rights aforesaid, or any of them, unless, previous to the solemnization of such marriage, the parties

Wills, &c.

thereto shall, by contract in writing jointly executed, agree to reserve to such natural born subject, notwithstanding the solemnization of such marriage, the exercise of the rights contained in the first section.

4. In every case in which any natural born subject of Great Britain and Ireland shall contract marriage in this District without having duly executed the ante-nuptial contract mentioned in the last preceding section of this Ordinance, his property, both real and personal in this District, shall be administered and divided according to the law in force within this District.

Without which, property to be administered according to Roman-Dutch Law.

5. Any such natural born subject, having lawfully contracted marriage in the United Kingdom of Great Britain and Ireland, may, if resident in this District, by will or testament dispose of or devise property within this District, both real and personal, in the same way as under the laws and customs of England they could or might do if resident in England.

Persons married in Great Britain to devise by will according to law of England.

6. Any law now in force contrary to the provisions of this Ordinance shall be and the same is hereby repealed.

Repeal of conflicting laws.

7. Provided, that nothing in this Ordinance contained shall be construed as in any wise affecting or altering the law in force in this District in respect to the community of goods between spouses married in community of goods, or in respect of the rights, privileges, and powers of such spouses respectively so named in community of goods, or as to the joint estate of such spouses during their life.

Present law not to affect community of goods between spouses during their life.

8. The words, "contract in writing jointly executed," shall mean and be taken to mean any contract duly signed and executed before any notary public, or in the presence of two witnesses, by the spouses or the intended spouses, duly assisted if need be by their curators or guardians; and the words, "natural born subjects of Great Britain and Ireland," shall mean and be taken to mean all subjects of Her Majesty the Queen wheresoever born.

Definition of terms.

9. Every such contract may be registered by the Registrar of Deeds.

Contracts may be registered.

10. This Ordinance shall commence and take effect from the date of the publication thereof in the *Government Gazette*.

Date of effect of law.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 15th day of January, 1856.

By Command of His Honour the Acting Lieutenant Governor,

(Signed)

WILLIAM C. SARGEAUNT,

Colonial Secretary.

By order of the Legislative Council,

(Signed)

JOHN BIRD,

Clerk of the Council.

Education of Coloured Youth.

ORDINANCE No. 2, 1856.

(Signed) H. COOPER.

Ordinance for promoting the Education of Coloured Youth in the District of Natal.

Preamble.

WHEREAS, it is fitting provision be made for promoting the education of youth in the District of Natal:

Be it enacted, by the Acting Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

Lieutenant Governor may establish or contribute to support of schools.

1. It shall be lawful for the Lieutenant Governor for the time being, with the advice of the Executive Council, out of the public funds of the District, to establish and maintain schools for the education of coloured youth, and to contribute towards the support of schools otherwise established, as he shall from time to time see fit.

Schools subject to inspection.

2. Every such school shall be subject to inspection, in manner hereinafter provided.

System of education.

3. In every school to be established or supported by public funds under the provisions of this Ordinance, religious education, industrial training, and instruction in the English language shall form a necessary part of the system to be pursued therein; but in order to provide for the instruction of children of parents dissenting from the religious doctrines to be taught in any such school, such children as shall attend the same as day scholars only may, upon application to be made in that behalf by their parents or guardians, be taught therein without being instructed in the doctrines of religion.

Dissenters exempt from religious instruction.

Superintendents to be appointed by Lieutenant Governor;

4. Every such school shall be placed under the superintendence and management of such one of the persons named or referred to in the schedule hereunto annexed, as the Lieutenant Governor, with the advice of the Executive Council, shall, in the case of each such school, specially direct.

And teachers by superintendents.

5. The teachers of every such school shall be appointed by the person under whose superintendence and management the same shall respectively be placed as aforesaid, and shall be removeable by him at pleasure.

Inspectors to be appointed by Lieutenant Governor.

6. In order to secure the efficiency of schools to be supported by public funds, every such school shall be inspected, once at least in every year, by an inspector, or inspectors, to be for that purpose appointed by the Lieutenant Governor.

Inspectors to report particulars.

7. As soon as conveniently may be, after the inspection of any such schools, such inspector, or inspectors, shall make a report, in writing, to the Lieutenant Governor, for the time being, setting forth the name or description of such schools, the number of children educated therein, the funds out of which the same may be supported, and the amount thereof respectively, the salaries paid to the teachers thereof, and the yearly cost incurred for the support and education of each pupil maintained therein, and shall also report on the discipline and management of the school, the nature and extent of the industrial instruction pursued therein, the attainments of the children, and the state of the school generally as regards its efficiency.

Education of Coloured Youth.

8. As soon as the several schools which may be supported under the provisions of this Ordinance shall have been inspected as aforesaid, the whole of the reports relating thereto, shall be together laid before the Colonial Legislature, if the said Legislature shall be then in session; and if not, then within one calendar month after the commencement of the next ensuing session.

Reports to be submitted to Colonial Legislature.

9. Provided always, and be it further enacted, that the whole amount of the sums to be advanced, under the authority of this Ordinance, in any one year, shall not exceed one-fifteenth part of the estimated revenue of the District for such year.

Amount of expenditure on schools from general revenue.

10. This Ordinance shall take effect from the date of the publication of Her Majesty's confirmation thereof.

Date of effect of law.

SCHEDULE.

The Bishop of Natal.

The Bishop, or other head of the Roman Catholic Church in the District of Natal.

The Superintendent of the Wesleyan Mission.

The Head or Minister of any other religious body, who shall have engaged in the education of youth in the District of Natal.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 15th day of January, 1856.

By Command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEAUNT,
Colonial Secretary.

By Order of the Legislative Council,

(Signed) JOHN BIRD,
Clerk of the Council.

ORDINANCE No. 3, 1856.

Ordinance to empower the Lieutenant Governor to make regulations for Coolies introduced into this District from the East Indies.

Repealed by Law No. 2, 1870, § 1.

ORDINANCE No. 4, 1856.

Ordinance to Prohibit the Sale and disposal of Spirits, and other Intoxicating Liquors, to Persons of the Native Race.

Repealed by Law No. 18, 1863, § 1.

American Missions.—Aliens holding Lands.

ORDINANCE No. 5, 1856.

(Signed) H. COOPER,

Vide Ord. 7,
1858.*Ordinance to empower the Lieutenant Governor to make Grants of Land to the American Board of Commissioners for Foreign Missions; and to enable it to hold the same.*

Preamble.

Vide Ord. 3, 1851;
and Law 23, 1874.

WHEREAS, by Ordinance No. 3, 1851, entitled, an "Ordinance for imparting to Aliens residing, or who may hereafter come to reside, within this District some of the privileges of Naturalization," it is enacted, among other provisions, that no alien shall hold land within this District unless he shall obtain a certificate of naturalization:

And whereas, it is expedient to enable the Lieutenant Governor to grant lands to the aforesaid missionary body:

Be it therefore enacted, by the Acting Lieutenant Governor, with the advice and consent of the Legislative Council, as follows:

Board of Com-
missioners may
hold lands.

1. The aforesaid American Board of Commissioners for Foreign Missions shall and may have and hold lands within this District to all intents and purposes as though they were naturalised subjects of this District, subject to such conditions as the Lieutenant Governor may see fit to impose.

Privilege ex-
tended to other
missionary
bodies.

2. It shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, by proclamation, to extend the privileges of this Ordinance to any other missionary bodies.

Date of com-
mencement of
law.

3. This Ordinance shall take effect from and after the publication thereof in the *Government Gazette*.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 11th day of February, 1856.

By command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By order of the Legislative Council,

(Signed) JOHN BIRD,
Clerk of the Council.

ORDINANCE No. 6, 1856.

(Signed) H. COOPER.

Vide Ord. 7,
1858.*Ordinance to enable Persons not being Naturalised Subjects to hold Lands within the District.*

Preamble.

Vide Ord. 3, 1851;
and Law 23, 1874.

WHEREAS, by Ordinance No. 3, 1851, entitled, an "Ordinance for imparting to Aliens residing, or who may hereafter come to reside, within the District of Natal some of the privileges of

Aliens holding Lands.

"Naturalization," it is enacted, among other provisions, that no alien shall be entitled to hold land within the said District without obtaining a certificate of naturalization:

And whereas, by reason of the difficulties arising to aliens from having property situate in other countries, it is expedient to make a more liberal provision to enable such persons to wind up their affairs in such other countries prior to becoming naturalized subjects of this District:

Be it therefore enacted, by the Acting Lieutenant Governor, by and with the advice and consent of the Legislative Council, as follows:

1. Any alien residing or who may hereafter come to reside within this District may purchase, or having purchased may hold transfer of, lands in this District, upon the following conditions:

Aliens may hold transfer of lands.

2. Such right aforesaid shall not extend to a period beyond that of four years from the date of the registration of the transfer of such land; and during such time as aforesaid, no alien shall be at liberty to sell, transfer, or otherwise alienate such land without the express permission of the Lieutenant Governor, which it shall be lawful for him to grant upon due cause being shown.

Aliens may not alienate lands without Lieutenant Governor's permission.

3. Nothing herein contained shall operate so as to defeat any suit at law in which such land may be liable to be taken in execution, or otherwise be subject to any order or judgment of Court.

Execution on lands not impeded by this Ordinance.

4. If such aliens holding land as aforesaid, shall not take out letters of naturalization within this District within the period of four years from the date of registration of the title to such land as aforesaid, then and in that case such person shall be liable to a fine not exceeding one hundred pounds, to be recovered at the suit of the Crown.

Fine, if letters of naturalization not taken out in four years.

5. Nothing herein contained shall operate to affect or prejudice the coparcenary rights of any naturalized subject who shall have entered into partnership with any alien aforesaid.

Coparcenary rights not prejudiced.

6. Any of the provisions of the Ordinance No. 3, 1851, Ordinance No. 5, 1856, or any other law in force in this District, shall not be construed to annul the provisions of this Ordinance.

Conflicting laws not to annul present Ordinance.
Vide Ord. 3, 1851;
Ord. 5, 1856; and
Ord. 7, 1858.

7. This Ordinance shall take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Ordinance.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 11th day of February, 1856.

By Command of His Honour the Acting Lieutenant Governor,

(Signed)

WILLIAM C. SARGEAUNT,
Colonial Secretary.

By Order of the Legislative Council,

(Signed)

JOHN BIRD,
Clerk of the Legislative Council,

Taking Cattle into Umpanda's Country.

ORDINANCE No. 7, 1856.

(Signed) H. COOPER.

Ordinance for the due Prevention of taking Cattle into Umpanda's Country.

Preamble.

WHEREAS, by a certain Proclamation, bearing date 10th December, 1855, any trader, or other person, is prohibited from taking cattle, whether drawing a wagon, or not, over the north eastern boundary of this District (the Umzinyati or Tugela River) into Umpanda's country; or, having taken such cattle over said boundary, such trader, or other person, is prohibited from bringing such cattle back into this District. For the due enforcement of these provisions:

Be it therefore enacted, by the Lieutenant Governor, with the advice and consent of the Legislative Council, as follows:

Prohibition
against taking
cattle into the
country of
Umpanda—how
to be enforced.

1. That it shall be lawful for all Magistrates, Fieldcornets, constables, and such other persons as the Lieutenant Governor may hereafter appoint (and which he is hereby empowered to do), for the due enforcement of the provisions of the above Proclamation, to prevent, by such amount of force as may be necessary, any violation of the above provisions; and all persons obstructing, or endeavouring to prevent such Magistrates, Fieldcornets, constables, and others, from the discharge of the above duty, shall be apprehended and dealt with according to law.

Date of effect
of Ordinance.

2. This Ordinance shall take effect from and after the publication thereof in the *Government Gazette*.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 29th day of February, 1856.

By Command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEAUNT,
Colonial Secretary.

By Order of the Legislative Council,

(Signed) JOHN BIRD,
Clerk of the Council.

ORDINANCE No. 8, 1856.

Ordinance to alter and amend the Ordinance No. 14, 1845.

Virtually repealed by Law No. 10, 1857, § 1.

Physicians, &c.

ORDINANCE No. 9, 1856.

(Signed) H. COOPER.

Ordinance to make provision for the admission of duly qualified persons to practise in this District as Physicians, Surgeons, Surgeon-Accoucheurs, Apothecaries, Chemists and Druggists, and for the better regulating of the sale of Drugs and Medicines.

WHEREAS, it is expedient to make provision for the admission of duly qualified persons to practise in this District as Physicians, Surgeons, Surgeon-Accoucheurs, Apothecaries, Chemists and Druggists, and for the better regulating of the sale of drugs and medicines:

Preamble.

Be it therefore enacted, by the Lieutenant Governor, by and with the advice and consent of the Legislative Council, as follows:

1. It shall be lawful for the Lieutenant Governor to appoint a Committee, to consist of three or more persons, duly qualified to practise or dispense medicine, to be called the "Natal Medical Committee," and who shall superintend the medical concerns of the District, subject to the provisions hereinafter contained; and it shall be lawful for the Lieutenant Governor to remove, upon due cause, any of the members of the said Committee; or, in case of the resignation, removal, or death, of any one or more of the same, to appoint such other person or persons as he may think fit in his or their stead.

"Natal Medical Committee" appointed by Lieutenant Governor.

2. Any person hereafter seeking admission to practise as a physician, surgeon, surgeon-accoucheur, or to dispense or vend medicines or drugs, as an apothecary, or chemist and druggist, must obtain a Government License so to do.

Physicians, &c., to obtain Government license.

3. All candidates for permission to exercise any of the aforesaid professions or trades, must send in their application to Government, with the necessary vouchers of their qualification, and which, on being duly approved by the said Committee, will be forthwith granted.

Applications for license, how to be made.

4. Any person exercising any of the aforesaid professions or trades unlicensed, within ten miles of the residence of any other person duly qualified or licensed so to exercise such trade or profession, shall be liable to a penalty, for each offence, not exceeding £4, nor less than £3.

Penalty.

5. Any person who has served an apprenticeship to an apothecary, or to a chemist and druggist, within this Colony for five years, and is duly competent, to the satisfaction of the said Committee, who shall be at liberty to examine him touching his proficiency, shall be entitled to a license as such apothecary, or chemist and druggist.

Who entitled to license as apothecary, &c.

6. All apothecaries, chemists, and druggists, shall properly label, or legibly write the word "poison" on all packages and vessels containing any mineral or vegetable poison vended or dispensed by them, in default of which such apothecary, or chemist and druggist, shall be liable to a penalty not exceeding £5, or less than £1. And any apothecary, or chemist and druggist, who shall supply, sell, or

Poison, if sold, to be legibly labelled;

And not entrusted to children.

Physicians, &c.

entrust any such poison as aforesaid, dangerous to life, to any child under the age of ten years, shall be liable to a penalty not exceeding £10, nor less than £1.

Sale of poisons
to be entered in
a book.

7. Every chemist, druggist, or apothecary, shall, on making any sale of poison, in quantity or kind dangerous to life, enter into a book to be kept by him for that purpose, the name of the person receiving the said poison, the name and quantity of the poison, and the date of the sale thereof, and in default of compliance with the same, shall be liable, on conviction, to a fine not exceeding £10, and not less than £5.

Penalty, where
to be sued for.

8. All penalties incurred under this Ordinance may be sued for in the Court of the Resident Magistrate of the county within which the offence has been committed.

Informers
entitled to half
penalty.

9. Every person giving information of offences against any of the provisions of this Ordinance, shall be entitled to one-half of the penalties recovered; the other half to be paid into the public treasury.

Exemptions.

10. All medical officers of Her Majesty's land or sea forces shall be exempt from the operations of this Ordinance.

Who not dis-
qualified.

11. Nothing herein contained shall in any way disqualify persons already practising by license or permission of the Local Government.

Date of effect
of Ordinance.

12. This Ordinance shall take effect from and after the date of publication thereof in the *Government Gazette*.

God save the Queen!

Given at Pietermaritzburg, in the District of Natal, this 1st day of September, 1856.

By command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By Order of the Legislative Council,

(Signed) JOHN BIRD,
Clerk of the Legislative Council.

ORDINANCE No. 10, 1856.

Ordinance to amend and extend the provisions of the Ordinance No. 1, 1854.

Repealed by Law No. 21, 1861.

Indemnification of Consistory of Dutch Reformed Church.

ORDINANCE No. 11, 1856.

(Signed) H. COOPER.

Ordinance to indemnify the Consistory of the Dutch Reformed Church from all claims made, or that shall be made, since 1st June, 1856, upon the residue of certain funds administered by the said Consistory to the surviving heirs of Dutch Emigrants killed by the Zulu army in 1838.

WHEREAS the Consistory of the Dutch Reformed Church has received a sum of money, raised by the late Volksraad of this District, to be applied in relieving the distresses of surviving heirs of persons killed by the Zulu army in 1838, and which has been so applied up to the 1st day of June, 1856, leaving a present balance of £818 5s. 4d. in the hands of the said Consistory; and the Acting Lieutenant Governor has, by Proclamation duly made and published on the 12th day of November, 1855, given notice that all persons having any claims upon, or in regard to, the said funds, should establish such claims before the said Consistory on or before the said 1st of June, 1856, or they would otherwise be debarred from making the same by legislative enactment: Preamble.

Be it therefore enacted, by the Lieutenant Governor, by and with the advice of the Legislative Council, as follows:—

1. The said Consistory, and the members thereof respectively, shall be, and are hereby, fully indemnified and exonerated from, and in respect to, all claims and demands made, or which shall be made, upon them, in reference to the said funds, since the 1st day of June, 1856, and shall not be answerable in any action or suit that may be brought in respect to the same. Indemnification of Consistory.

2. Pursuant to the instructions conveyed to the said Consistory by Government letter, dated 10th January, 1850, it shall be, and is hereby declared, lawful for the said Consistory to expend the residue of the above funds, now amounting to £818 5s. 4d. sterling, for general Ecclesiastical and Educational purposes; and, in pursuance of the same, it shall be lawful for the said Consistory, and the members thereof, to have and hold, in trust, the said fund, and to duly expend the same for such objects. Funds in trust, how to be expended.

3. This Ordinance shall commence and take effect from and after the publication thereof in the *Government Gazette*. Date of effect of Ordinance.

God save the Queen !

Given at Pietermaritzburg, in the District of Natal, this 30th day of October, 1856.

By command of His Honour the Acting Lieutenant Governor,

(Signed)

WILLIAM C. SARGEANT,
Colonial Secretary.

By order of the Legislative Council,

(Signed)

JOHN BIRD,
Clerk of the Council

Foreign Reprints.

ORDINANCE No. 12, 1856.

Ordinance for applying a sum not exceeding £6,725 5s. 1½d. for the service of the year 1855.

ORDINANCE No. 13, 1856.

Ordinance for applying a sum not exceeding £4,332 14s. 7d. for the service of the year 1856, in addition to the sum already in that respect provided by Ordinance No. 10, 1855.

ORDINANCE No. 14, 1856.

(Signed) J. SCOTT.

Ordinance for authorising the Importation, into the Colony of Natal, of Books, being Foreign Reprints of Books, first composed or written, or printed or published, in the United Kingdom, and in which there shall be Copyright.

Preamble.

WHEREAS by an Act, passed in the session of Parliament, holden in the fifth and sixth years of Her Present Majesty's reign, entitled, an "Act to amend the Law of Copyright," it is amongst other things enacted, that it shall not be lawful for any person, not being the proprietor of the copyright, or some other person authorised by him, to import into any part of the United Kingdom, or into any part of the British dominions, for sale or hire, any printed book, first composed, or written, or published, in any part of the United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions:

And whereas, by an Act passed in the session of Parliament holden in the eighth and ninth years of the reign of Her Present Majesty, entitled, an "Act to regulate the trade of the British "Possessions abroad," books wherein the copyright is subsisting first composed or written or printed in the United Kingdom and printed or reprinted in any other country are absolutely prohibited to be imported into the British possessions abroad:

And whereas, by an Act passed in the session of Parliament holden in the tenth and eleventh years of Her Present Majesty's reign, entitled, an "Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the "United Kingdom," it is enacted, that in case the Legislature or proper Legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or

Foreign Reprints.

make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal approval of such Act or Ordinance; and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony the prohibitions contained in the aforesaid Acts and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts, against the importing, selling, letting out for hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed or published in the United Kingdom and entitled to copyright therein, shall be suspended as far as regards such Colony:

Vide Order in Council, Government Notice No. 84, 10th Aug., 1867.

And whereas, by an Act passed in the session of Parliament holden in the sixteenth and seventeenth years of Her present Majesty's reign, entitled, an "Act to amend and consolidate the "Laws relating to the Customs of the United Kingdom and the "Isle of Man, and certain Laws relating to Trade and Navigation "and the British Possessions," the said prohibition against the importation of foreign reprints of books as aforesaid is re-enacted, subject to the powers vested in Her Majesty of suspending such prohibition in certain cases as aforesaid:

And whereas, it is expedient to permit the importation into the Colony of Natal of books so prohibited as aforesaid, subject to the restrictions contained in the said recited Act, entitled, an "Act "to amend the Law relating to the protection in the Colonies of "Works entitled to Copyright in the United Kingdom," and to the provisions hereinafter contained:

Be it therefore enacted, by the Lieutenant Governor, by and with the advice and consent of the Legislative Council:

1. That from and after the time when this Ordinance shall come into operation, it shall be lawful to import into the Colony of Natal all books and reviews of whatsoever nature or kind, bound or in covers, from whatsoever country the same shall be imported, being reprints of books or reviews first composed, written, or printed or published in the United Kingdom.

Foreign reprints of books, &c., may be imported.

2. And be it enacted, that on the importation into this Colony of every reprint of any such book or review as aforesaid, of whatsoever nature or kind the same may be, first composed, written, or printed or published in the United Kingdom, and protected at the time of such importation by the Act of the Imperial Parliament to enforce the Law of Copyright, whether imported from the United States or from any other foreign country, there shall be paid an "*ad valorem*" duty on the *bond fide* price of such reprint of twenty per cent.: Provided always, that before the reprint of any book or review as aforesaid, such book or review shall have been duly registered according to the provisions of the above recited Act of the Imperial Parliament, passed in the session holden in the fifth and sixth years

Foreign reprints of copyright works subject on importation to an "*ad valorem*" duty.

Foreign Reprints.

of her Majesty's reign, entitled, an "Act to amend the Law of Copyright:" Provided also, that the said duty shall not be paid on newspapers or other periodicals containing only extracts from such books or reviews as aforesaid.

Duty, how to be disposed of.

3. And be it enacted, that the said duty shall be paid to the Collector of Customs of the Colony, who is hereby directed, whenever he is required so to do, to report the same to the Governor for the time being, and the Governor for the time being will remit the same to the Commissioners of Customs at London, or other duly authorised person in that behalf, with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered proprietor of the copyright of such books or reviews respectively.

Penalties for breach of this Ordinance.

4. And be it enacted, that after this Ordinance shall come into operation, it shall not be lawful for any person to import or bring or cause to be imported or brought into this Colony for use, sale, or hire any reprint referred to in this Ordinance and hereby made liable to the duty aforesaid contrary to the true intent and meaning hereof, or knowingly to sell, publish, or expose to sale, or let to hire, or have in his or her possession for use, sale, or hire any such reprint as aforesaid; and every such reprint so imported or brought into this Colony, sold, published, exposed for sale, or let for hire, shall be forfeited and sold, and one-half of the proceeds of the sale thereof shall be paid to the seizing officer and the other half to the registered proprietor of the copyright of the book or review from which such reprint is made; and every person so offending, being duly convicted thereof, shall for every such offence forfeit and pay the sum of five pounds sterling money and double the value of every copy of such reprint which he or she shall so import or cause to be imported into this Colony, or shall knowingly sell, publish, expose to sale, or let to hire, or shall have in his or her possession for sale or hire contrary to the true intent and meaning of this Ordinance, to be recovered in the Court of the Resident Magistrate of the county in which the offence shall have been committed; half of such penalty to be paid to the officer seizing, and the remainder thereof to be paid to the Treasurer of the Colony, and remitted to the use of the proprietor of the copyright in the manner hereinbefore provided for.

Penalty, to whom payable.

Reprints to be stamped on entry.

5. And be it enacted, that at the time of the entry of any reprint of any book or review as aforesaid, it shall be the duty of the officer passing such reprint to stamp the same; and the Collector of Customs shall furnish to the several officers who may require the same the necessary stamps for such purpose.

Interpretation clause.

6. And be it enacted, that in the construction of this Ordinance every public officer therein described by the name of his office shall mean not only the persons filling such office but also his lawful substitute, or person provisionally appointed to discharge the duties of such office; and the word "book" shall be construed to mean and include every volume, pamphlet, review, magazine, or periodical work (other than newspapers and gazettes, and maps, charts, and plans, published separately as well as collectively); and every word

Foreign Reprints.—Victoria Local Council.

importing the singular number or masculine gender only shall be applied to several persons and things as well as one person or thing, and shall include females as well as males and *vice versa*, unless in any of the above cases there be something in the subject or the context plainly to exclude such construction.

7. And be it enacted, that this Ordinance shall not be in force until after having been allowed and confirmed by Her Majesty, and the due proclamation thereof.

Ordinance, when
to commence.

God save the Queen!

Given at Pietermaritzburg, in the Colony of Natal, this 2nd day of December, 1856.

By command of His Honour the Acting Lieutenant Governor,

(Signed) WILLIAM C. SARGEAUNT,
Colonial Secretary.

By order of the Legislative Council,

(Signed) JOHN BIRD,
Clerk of the Council.

ORDINANCE No. 15, 1856.

Ordinance for Incorporating the Bank of Natal.

Disallowed. *Vide* Proclamation, 10th August, 1857.

ORDINANCE No. 16, 1856.

(Signed) J. SCOTT.

Ordinance to indemnify the Local Council of the County of Victoria, constituted in the year 1854.

Vide Law 2,
1857.

WHEREAS the Local Council for the County of Victoria, constituted in the year 1854, has rendered certain of its acts and proceedings invalid, by reason of the said Council not having been constituted as required by law;

Preamble:

Victoria Local Council.

And whereas the said Council, in the *bonâ fide* exercise of the powers possessed by it, if legally constituted, did assess a rate on the immovable property situated within the said county, for the purposes contemplated in the Ordinance No. 3, 1854, entitled, an "Ordinance to establish Local Councils, and to provide for the better government of the different parts of the District;" and did moreover enter into certain contracts, engagements, and liabilities, in respect of divers works, and other business connected with the said Council, for the benefit and use of the inhabitants of the said county:

And whereas some of the inhabitants, or proprietors of land, in the said county, upon whom the said rate was so assessed, have paid the amount of the said rate, while others have resisted, and still do resist, the payment of the same:

And whereas it is expedient to relieve, and in some respects to indemnify, the said Council, and the individual members thereof, from any liability in regard to all damages from the assessment of the said rate, as well as from personal loss in respect of any contract, engagement, or liability, *bonâ fide* entered into by them, and to make provision for the fair and equitable settlement of such contracts, engagements, and liabilities, by the inhabitants and proprietors of land in the said county, for whose common interests the said contracts, engagements, and liabilities, were so *bonâ fide* incurred by the said Local Council:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows, that is to say:—

Council and others indemnified.

Former Council
and others
indemnified in
respect of col-
lection of rates.

1. The said Local Council, constituted in the year 1854 as aforesaid, for the said county of Victoria, as a body, and the members thereof, respectively and individually, together with all and every person or persons, acting by or under their order or authority, are, and they are hereby, severally freed, indemnified and held harmless, from any suit or action, for damages or otherwise, which may be hereafter instituted against them, or any of them, in respect of the assessment of the said rate, and the receipt, or collection, or appropriation, of the same, or any part thereof.

Limitation as to
suit.

2. No person who shall have paid the said rate, or any part thereof, shall be entitled to commence any action or suit, or to sue for or recover, the amount so paid from the said Council, or from any member or officer of the said Council.

Existing Liabilities.

Present funds of
Council to be
applied to pay-
ment of debts.

3. The Local Council for the County of Victoria, at present constituted, or to be constituted, shall be, and is hereby, required to devote any funds in its possession, or under its control, except as hereinafter mentioned, to the immediate liquidation of any just and legal debt or liability, duly incurred or contracted by the Local

Victoria Local Council.

Council, constituted in the year 1854 as aforesaid, in the construction of any work within the county, as to which power is granted to such Council by the said Ordinance, No. 3, 1854.

4. The amount of any just debt or liability, duly incurred or contracted by the Local Council, under the provisions of the said Ordinance No. 3, 1854, shall be a first charge on all funds which are or shall be in the possession, or under the control, of the present or any future Council.

Just debts to be a first charge.

5. The Local Council for the County of Victoria, now constituted, or to be constituted, may, as is hereby required, forthwith to assess, and to levy a rate, to meet and defray all the just debts and liabilities incurred by the Local Council, constituted in the year 1854 as aforesaid, should the funds of the said present or future Council not be sufficient to defray the said just debts and liabilities; which said rate shall be assessed and levied in manner and form as provided by the Ordinance No. 3, 1854, for the assessment and levying of rates.

Council to levy a rate, if necessary, for payment of debts.

6. The rate, in the last preceding section mentioned, shall and may be assessed and levied, in addition to any rate or rates required or authorised to be assessed and levied by the Ordinance No. 3, 1854.

Rate, how to be levied.

Rates assessed and paid.

7. The Local Council for the County of Victoria, at present constituted, or to be constituted, shall forthwith ascertain, and set apart, out of the funds which are or may be in its possession, or under its control, the amount arising from the rates so assessed by the said Council, constituted in 1854 as aforesaid, and paid by the persons against whom it was so assessed.

Council to set apart amount of rates assessed in 1854.

8. The Local Council, at present constituted, or to be constituted, shall forthwith publish, in the *Government Gazette*, a list of the names of the persons who have paid the said rates, with the amount paid by each opposite their respective names, to which list shall be subjoined the notice mentioned in the schedule to this Ordinance annexed, marked A, and which notice shall be signed by a Resident Magistrate of the County.

And to publish a list thereof in the "Government Gazette."

9. Any person who shall fail, by himself, or by his agent or attorney, to apply for repayment of the amount so set opposite his name, within six months from and after the publishing of the said list and notice as aforesaid, shall thereby for ever forfeit his claim to such repayment; and the amount so forfeited shall be paid over to the said present or future Local Council, for the purposes of the said Ordinance No. 3, 1854.

Claims for repayment must be made within six months.

Miscellaneous Provisions.

10. In the event of the Local Council for the County of Victoria, at present constituted, or to be constituted, failing to comply with any of the provisions of this Ordinance, such Council, or future Council, may, collectively or individually, be sued by any person having a legal claim or demand.

Council may be sued for non-compliance with this Ordinance.

11. This Ordinance shall not extend to any act or proceeding of the said Local Council for the County of Victoria, constituted in the

This Ordinance to extend only to bona fide acts of late Council.

Victoria Local Council.

year 1854 as aforesaid, which shall not have been done in the *bond fide* exercise of its proper functions, under the said Ordinance No. 3, 1854.

Ordinance to be
judicially
noticed.

12. This Ordinance shall be judicially noticed by all Courts and Judges, and need not be specially pleaded in defence of any action or suit.

Commencement
of Ordinance.

13. This Ordinance shall commence and take effect from the date of the publication thereof in the *Government Gazette*.

SCHEDULE A.

NOTICE.

The persons whose names are mentioned in the above list, are hereby required to take notice, that the respective sums opposite their names will be repaid to them by the Secretary of the County Council of Victoria, on application at the office of that officer, at , at any time within six months from the date of this notice.

A. B., Resident Magistrate.

God save the Queen!

Given at Pietermaritzburg, in the Colony of Natal, this 4th day of December, 1856.

By Command of His Excellency the Lieutenant Governor,

(Signed)

W. C. SARGEANT,
Colonial Secretary.

By Order of the Legislative Council,

(Signed)

JOHN BIRD,
Clerk of the Legislative Council.

ORDINANCE No. 17, 1856.

Ordinance for applying a sum not exceeding £27,099 4s. 3d., for the service of the year 1857, or for such time as may elapse before provision be finally made for the service of the said year 1857, by the Legislature to be convoked under the Royal Charter.

Crown Prosecutor.

ORDINANCE No. 18, 1856.

(Signed) J. SCOTT.

Ordinance for abolishing the office of Crown Prosecutor of Natal

WHEREAS, by the Ordinance No. 18, 1845, entitled, an "Ordinance for regulating the manner of proceeding in Criminal Cases in the District of Natal," provision is made for creating the office of, and for the appointment of an officer therein styled and designated "the Crown Prosecutor of Natal:"

Preamble.
Vide Ord. 18,
1845.

And whereas, an officer so styled and designated as aforesaid was duly appointed, as required by law:

And whereas, it is necessary to alter the title and designation of such officer:

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows, viz.:

"Crown Prosecutor" to be designated "Attorney General."

1. The officer heretofore called "the Crown Prosecutor of Natal," as aforesaid, shall henceforth be, and he is hereby called, designated, and created "the Attorney General of Natal."

Crown Prosecutor to be styled Attorney General.

2. The "Attorney General" shall do and perform all duties, acts, matters, and things, civil or criminal, which by any Law, Ordinance, or Rule of Court in force in this Colony are required to be done or performed by the said "Crown Prosecutor of Natal."

Attorney General's functions,

3. The said "Attorney General" shall have, hold, exercise, and enjoy the same rights and privileges as are by law vested in the said "Crown Prosecutor of Natal."

And privileges.

Office of Crown Prosecutor abolished.

4. The office of "Crown Prosecutor of Natal" shall be and the same is hereby abolished.

Abolition of former office.

Pending Proceedings.

5. Any act or proceeding done or performed by the said "Crown Prosecutor," or which may be done by the said "Crown Prosecutor," before the taking effect of this Ordinance may be taken up by the "Attorney General" on this Ordinance taking effect, to all intents and purposes as if the office of "Crown Prosecutor" had not been abolished.

Proceedings devolve on Attorney General.

6. Any indictment filed or to be filed by the said "Crown Prosecutor," or any order or proceeding of a criminal nature taken by the said "Crown Prosecutor," before the taking effect of this Ordinance, may in like manner be taken up, carried on, and prosecuted according to law by the said "Attorney General" on this Ordinance taking effect, without any alteration in such indictment, order, or proceeding being required.

Indictments, &c., carried on.

Crown Prosecutor.

Miscellaneous Provisions.

Ordinance No. 18,
1845, not re-
pealed.

7. The provisions of this Ordinance shall not be deemed or taken to repeal any of the provisions of the said Ordinance No. 18, 1845, or any other Law, Ordinance, or Rule of Court now in force in this Colony, save and except as aforesaid.

Date of effect
of Ordinance.

8. This Ordinance shall take effect at such time as shall be fixed for that purpose by proclamation duly issued by the Lieutenant Governor.

God save the Queen !

Given at Pietermaritzburg, in the Colony of Natal, this 29th day of December, 1856.

By command of His Excellency the Lieutenant Governor,

(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

By Order of the Legislative Council,

(Signed) JOHN BIRD,
Clerk of the Council.

Freedom of Speech.

PART III.

N A T A L L A W S .

LAW No. 1, 1857.

(Signed) J. SCOTT.

Law to secure Freedom of Speech and Debates or Proceedings in the Legislative Council, and to give summary protection to persons employed in the publication of its papers.

WHEREAS, it is essential to the due and effectual exercise and discharge of the functions and duties of the Legislative Council, and to the promotion of wise legislation, that the freedom of speech and debates or proceedings in the said Council, should not be impeached or questioned in any court or place out of the Legislative Council, and that no obstruction or impediment should exist to the publication of such reports, papers, votes, or proceedings of the Legislative Council, as such Council may deem fit or necessary to be published: Preamble.

And whereas, it is fit that such freedom should be secured by law, and that all such obstructions or impediments, should any arise, may be summarily removed.

Be it therefore enacted, by the Lieutenant Governor, by and with the consent of the Legislative Council:

1. That there shall be freedom of speech and debates in the Legislative Council, and that such freedom of speech and debates or proceedings in the Legislative Council, shall not be liable to be impeached or questioned in any court or place out of the Legislative Council. Freedom of speech and debates.

2. And be it enacted, that it shall and may be lawful for any person or persons, who may be a defendant or defendants in any civil or criminal proceeding commenced or prosecuted in any manner soever, for or in respect of the publication of any report, paper, votes, or proceeding by such person or persons, by or under the authority of the Legislative Council, to bring before the Court in which such proceeding shall be so commenced or prosecuted, or before any Publication of reports, papers, &c., by authority of Council not actionable.

Freedom of Speech.—Local Councils.

judge thereof (should the proceeding be in the District or any Superior Court in this Colony), first giving twenty-four hours' notice of his intention so to do, to the plaintiff or prosecutor in such proceeding, a certificate, in the hand of the Speaker of the Legislative Council for the time being, or of the Clerk of the Legislative Council, stating that the report, paper, votes, or proceeding, as the case may be, in respect whereof such civil or criminal proceeding shall have been commenced or prosecuted, was or were published by such person or persons, or by his or their servant or servants, by order or under the authority of the Legislative Council, together with an affidavit verifying such certificate. And such court or judge shall thereupon immediately stay any such civil or criminal proceedings, and the same and every writ or process issued thereon shall be deemed and taken to be finally put an end to, determined, and superseded, by virtue of this law.

Rights of the
Council not
affected.

3. Provided always, and it is hereby expressly declared and enacted, that nothing herein contained shall be deemed, or taken, or held, or construed, directly or indirectly, by implication or otherwise, to affect the rights and privileges of the Legislative Council in any manner whatsoever.

Date of effect
of Law.

4. That this Law shall commence and take effect from and after the promulgation thereof.

Given at Government House, this 21st day of April,
1857.

By command of His Excellency the Lieutenant Governor,
(Signed) WILLIAM C. SARGEANT,
Colonial Secretary.

LAW No. 2, 1857.

(Signed) J. SCOTT.

Law for repealing the Local Councils' Ordinance.

Preamble.

Vide Ord. 16,
1856.

WHEREAS the Ordinance No. 3, of 1854, entitled, an "Ordinance "to establish Local Councils, and to provide for the better government "of the different parts of the District," has been found inoperative in accomplishing the objects contemplated, by reason of its provisions being inapplicable to the present condition of the Colony; and it is, therefore, expedient to repeal the said Ordinance:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

Ordinance No. 3,
1854, repealed.

Repeal not to
affect existing
claims, con-
tracts, &c.

1. The said Ordinance No. 3, 1854, shall be, and the same is hereby repealed: Provided always, that any Local Council under the said Ordinance shall, notwithstanding this repeal, be entitled to receive, and, if need be, to recover, under the powers or provisions of said Ordinance, or otherwise, any rates due under the said Ordinance.

Local Councils.

nance; and to carry out any contract duly entered into by such Council, according to law; and may also, under the said Ordinance, continue to levy, and recover by the means aforesaid, any rate or rates, necessary for the payment of any just debt due by such Council: Provided that the said Councils shall respectively be bound thereafter to pay any balance of money in their hands to the Colonial Treasury.

2. Any public market or public pound, and all tolls, dues, fees, and regulations connected therewith, made or established by any Local Council, shall continue and be in force, notwithstanding the said repeal.

Markets, pounds, &c., to continue.

3. The Governor may appoint any officer to receive all market tolls or dues, and pound fees, and make such regulations with regard to the same as to him may seem meet.

Governor may appoint officer to receive market and other dues.

4. All property vested in any Council, by virtue of the said Ordinance, shall be vested in such officer as the Governor may appoint.

Property of Council to be vested in an officer appointed by Governor.

5. This Law shall commence and have effect from and after the first day of July next ensuing.

Law, when to take effect.

Given at Government House, this 29th day of June, 1857.

By command of His Excellency the Lieutenant Governor,

(Signed)

PHILIP ALLEN,
Acting Colonial Secretary.

LAW No. 3, 1857.

Law for regulating the dealing in Gunpowder.

Repealed by Law No. 22, 1861, § 1.

LAW No. 4, 1857.

Law for giving validity to Contracts of Service made out of the Colony.

Disallowed. *Vide* Proclamation, 11th January, 1858.

LAW No. 5, 1857.

Law for applying a sum not exceeding £1,375, to be charged upon the Revenue of the current year, for the Conveyance of Mails between the Colony of Natal and the Cape of Good Hope.

Supreme Court.

LAW No. 6, 1857.

Law for regulating the Taxation on Native Huts.

Repealed by Law No. 18, 1875, § 1.

LAW No. 7, 1857.
Law for making further provision for the service of the year 1857.

LAW No. 8, 1857.
*Law for imposing a Tax on Unoccupied Lands.*Disallowed. *Vide* Proclamation, 15th February, 1858.

LAW No. 9, 1857.
Law for the Registration and Sale of Firearms.

Repealed by Law No. 11, 1862, § 1.

LAW No. 10, 1857.

(Signed) J. SCOTT.

For the better administration of Justice within the Colony of Natal.

Preamble.

WHEREAS, it is expedient to make provision for the better and more effectual administration of justice within this Colony, and for that purpose to repeal certain laws now in force; and to constitute a Supreme Court of Justice, and also Circuit Courts, to be holden in manner and form as hereinafter mentioned:

Be it therefore enacted, by the Governor of Natal, by and with the advice of the Legislative Council thereof, as follows, viz.:

*Repeal of former Laws.*Ordinance No. 14,
1845, repealed.

1. The Ordinance No. 14, 1845, entitled, an "Ordinance for erecting a District Court in and for the District of Natal," shall be, and the same is, hereby repealed.

Former sen-
tences, rules, &c.,
not affected.

2. All decrees, judgments, and sentences, rules and orders, as also all proclamations heretofore made, under the provisions of the said Ordinance, shall be as good and valid as if this Law had not been passed.

Supreme Court.

3. All suits and actions, civil, penal, criminal, or mixed, which shall have been commenced under the said Ordinance No. 14, 1845, may be prosecuted in any Court erected by this Law.

Actions, &c.,
pending may be
proceeded with.

Supreme Court.

4. There shall be within this Colony a Court which shall be called the "Supreme Court of the Colony of Natal."

Supreme Court.

5. The said Supreme Court shall be a Court of Record.

Court of Record.

6. The said Supreme Court shall consist of one Chief Justice and two Puisne Judges.

Of whom to
consist.

7. The said Supreme Court shall at all times be holden at Pietermaritzburg, in the Colony of Natal.

Where holden.

Qualification of Judges.

8. The said Chief Justice, and Puisne Judges, shall be respectively barristers in England or Ireland, or advocates of the Court of Session in Scotland, or of the Supreme Court of the Cape Colony, or advocates of the District Court heretofore existing, or of the Supreme Court hereby created.

Qualification of
Judges.

Death, &c., of Judges.

9. Upon the death, resignation, sickness, incapacity, or absence from the Colony, or suspension from office of any of the said Judges, it shall be lawful for the Governor, by Letters Patent, to nominate and appoint some fit and proper person (whether qualified under this Law or not), provisionally to act as and in the place of any such Judge.

Provisional
appointment of
Judges.

Vide Law 3,
1864, § 1.

Judges, how to hold office.

10. The said Chief Justice, and Puisne Judges, shall respectively hold office during good behaviour.

Judges, how to
hold office.

Salaries of Judges.

11. The said Chief Justice and Puisne Judges, shall, so long as they hold office, be entitled to have and receive the salaries attached, in the schedule hereunto annexed, to their respective offices; which salaries shall be in lieu of all fees of office, perquisites, emoluments, and advantages whatsoever.

Salaries.

Vide Laws 11 and
12, 1876.

12. No such Chief Justice or Puisne Judge, shall accept or take any other office, place of profit, or emolument, within the Colony; and the acceptance of any such other office or place, as aforesaid, shall vacate and avoid such his office of Chief Justice or Puisne Judge, as the case may be, and the salary thereof shall cease accordingly.

As to Judges
accepting other
offices or emolu-
ment.

Vide Law 3,
1864, § 1.

Seal of the Court.

13. The said Supreme Court shall have and use a seal bearing a device and impression of the royal arms, within an exergue, or label, having this inscription, "Supreme Court, Natal."

Seal of Court.

14. The said seal shall be delivered to, and kept in the custody of the said Chief Justice for the time being, with full power to deliver the same to any Puisne Judge of the said Court for any temporary purpose.

By whom kept.

Supreme Court.

Officers of the Court.

Officers.

Vide Law 7,
1872, §§ 1, 2.

15. There shall be attached and belonging to the said Court, one officer, to be called the Registrar of the Court, and one other officer, to be called the Master thereof, together with such and so many other officers, as to the Governor of the Colony shall, from time to time, appear necessary.

Advocates and Attorneys.

Who to be admitted as Advocates.

16. The said Supreme Court shall admit and enrol such persons as shall have been admitted as barristers in England or Ireland, or advocates in the Court of Session of Scotland,—or who have been duly admitted to practise as barristers and advocates in the Supreme Court of the Colony of the Cape of Good Hope, to act as barristers or advocates in the said Supreme Court.

17. All advocates and attorneys practising in the said District Court, shall be admitted to practise as such in the said Supreme Court.

Who to be admitted as Attorneys.

18. The said Supreme Court shall admit and enrol any person, being an attorney or solicitor of any of Her Majesty's Courts of Record at Westminster or Dublin, or being proctors admitted to practise in any Ecclesiastical Court in England or Ireland, or being writers to the signet in Scotland, and solicitors before the Supreme Court in Scotland, or being admitted an attorney of the Supreme Court of the Colony of the Cape of Good Hope, or in the Circuit Courts of the said Colony, to act as attorneys in the said Supreme Court of the Colony of Natal.

19. The said Supreme Court may approve, admit, and enrol, as attorneys, such persons as may be instructed in the knowledge and practice of the law, and which persons shall be so approved, admitted, and enrolled, according to any general rule to be for that purpose made, as hereinafter mentioned.

Circuit Courts.

Colony to be divided into districts.

Vide Law 9,
1866.

Circuit Courts to be holden in each District.

Vide Law 9,
1866.

Circuit Courts, where held and before whom.

20. To facilitate the holding Courts, the Governor may, by proclamation, divide the Colony into as many districts as to him may seem fit; and further, may, from time to time, as occasion may require, alter or amend such division.

21. Courts, to be called Circuit Courts, shall be held in each of the districts into which the said Colony may be so divided.

22. Each of the said Circuit Courts shall be held by and before one of the Judges of the said Supreme Court, at such times and at such places, within each of the said districts, as the Governor shall, from time to time, direct and appoint.

23. Each of the said Circuit Courts shall be a Court of Record.

24. The clerk to any Resident Magistrate within any such district, or any other person thereto appointed by the Governor, shall act as the Registrar of any such Circuit Court.

To be Courts of Record.**Who to act as Registrar of Circuit Court.**

*Supreme Court.**Jurisdiction.*

25. The Supreme Court of the Colony of Natal shall have cognizance of all pleas, and jurisdiction in all causes, whether civil, criminal, or mixed, arising within the said Colony, with jurisdiction over all Her Majesty's subjects, and all other persons whomsoever, residing and being within the said Colony, in as full and ample a manner, and to all intents and purposes, as the District Court of Natal, at present existing within the Colony, now hath.

*Jurisdiction of
Supreme Court.*

26. Each Circuit Court shall, within the District in which it may be holden, have and exercise all such and the same jurisdiction, powers, and authorities, as is hereinbefore vested in the said Supreme Court.

*Jurisdiction of
Circuit Court.*

27. The said Supreme Court, and every Circuit Court within the district in which such latter Court may be holden, shall have full power, authority, and jurisdiction to review the proceedings of all inferior Courts of Justice; and to exercise full supervision and control over all Magistrates, and, if necessary, to set aside or correct their proceedings.

*Supreme and
Circuit Courts
may review
proceedings of
inferior Courts.*

Laws.

28. The Supreme Court of the Colony of Natal, and every Circuit Court, shall apply, judge, and determine upon, and according to, the laws which now are, or shall hereafter be, in force within this Colony.

*What laws to be
applied.*

29. The pleadings and proceedings of the said Supreme Court, and the said Circuit Courts, shall be carried on, and the sentences, decrees, judgments, and orders thereof, pronounced and declared in open Court, and not otherwise; and the several pleadings and proceedings of the said Courts, respectively, shall be in the English language.

*Proceedings to
be in open
Court, and in
English.*

*Vide Law 11,
1858, § 1; and
Law 4, 1864.*

30. For the conduct and decision, without a jury, of all civil suits, depending before the said Supreme Court, and of all questions, matters, and things, arising in the course of any such civil suits, any two of the Judges of the said Supreme Court shall form a quorum, and shall be competent to execute all and every the powers, jurisdictions, and authorities, granted to, and vested in, the said Supreme Court.

*Two Judges to
form quorum in
civil cases tried
without a jury.*

*Vide Law 11,
1858, § 1; and
Law 4, 1864.*

31. In the event of any difference of opinion between such two Judges, the decision of the said Court shall be suspended until all the three Judges shall be present, and the decision of the majority of such three Judges shall be deemed and taken to be the judgment of the said Court.

*How in event of
difference of
opinion.*

32. In any civil case in the Supreme Court, in which the plaintiff or defendant shall, under the provisions of the Ordinance No. 7, 1852, entitled, an "Ordinance to introduce the Institution of Trial by Jury in civil cases," have applied to have the trial of such case by a jury, the trial shall be had before any one of the Judges of the said Court and such jury.

*Civil cases tried
by a jury to be
held before one
Judge.*

*Vide Law 10,
1871, § 2.*

33. All civil suits depending in any of the said Circuit Courts, shall be tried and decided by the Judge of such Court alone, except when the plaintiff or defendant has, under the said Ordinance No. 7, 1852, applied to have such trial by a jury.

*As to civil cases
tried before Cir-
cuit Court.*

*Vide Law 10,
1871, § 2.*

*Supreme Court.**Trial of Criminal Cases.*

Criminal cases to be before one Judge and a jury of nine; majority to determine a verdict.

Vide Law 10, 1871, § 26.

34. In any criminal case depending before the Supreme Court, or any Circuit Court, the trial of the person accused shall be before any one of the Judges of the said Supreme Court, or any Circuit Court, as the case may be, and a jury of nine men, of which jury a majority of two-thirds shall determine the verdict.

How cases may be removed.

Cases may be removed.

Vide Law 11, 1859, § 2.

35. If it shall be made to appear to the said Supreme Court, or any Circuit Court, that any suit, civil or criminal, depending therein, may be more conveniently heard or determined before any other Court, the said Courts respectively may order such suit to be removed to some other Court accordingly.

Manner of removing cases.

36. Every Court making such order of removal shall certify the same, together with the process and proceedings in such suit, to the Court into which such shall be removed, and thereupon such last-mentioned Court shall proceed in such suit, in like manner as if the same had been originally commenced and prosecuted therein.

Civil case, when deemed to be pending.

37. Every civil suit shall be deemed to be pending so soon as the summons shall have been duly served on the defendant in such suit.

Criminal suit, when deemed to be pending.

38. Every criminal suit shall be deemed to be pending, so soon as the indictment or information shall be lodged with the proper officer of such Court.

Appeal.

Law of appeal.

39. Any law now existing, by which an appeal is allowed from any Colonial Court to Her Majesty in Her Privy Council, and any rules or conditions in regard to the same shall extend and be applicable, to any final judgment, decree, or sentence, of the said Supreme Court of the Colony of Natal, in any civil case, heard and determined by the said Supreme Court without a jury.

Appeal from Circuit to Supreme Court.

40. The plaintiff or defendant in any civil suit, against whom any sentence, judgment, or decree, or order, of the said Circuit Courts respectively, shall be given, in any trial heard and determined without a jury, for or in respect of any sum or matter at issue, above or exceeding twenty pounds, may appeal therefrom to the said Supreme Court.

Supreme Court to hear appeal.

41. The said Supreme Court shall enquire into, hear, and decide, all questions, whether of law or fact, arising upon such appeal, but shall not admit or receive any evidence which was not tendered to the Circuit Court from which such appeal may be brought.

Notice of appeal, &c., to be given.

42. The party appellant shall, within fourteen days from and after the passing of such sentence, judgment, decree, or order, give notice to the adverse party of such appeal; and shall also, within the time aforesaid, enter into sufficient security, to be approved by the Judge of such Circuit Court, to satisfy and perform the said judgment, decree, or order, in case the same shall be affirmed, or the appeal dismissed, together with the costs, and such further costs as may be awarded thereon by the said Supreme Court in appeal,

Supreme Court.

43. In all cases of appeal from the said Circuit Courts, or any of them, to the said Supreme Court, when the notice shall be given, and security perfected as aforesaid, execution shall be stayed, but not otherwise.

Execution to be stayed when notice of appeal, &c., is given.

44. All cases of appeal from the said Circuit Courts to the said Supreme Court, in which the notice and security hereinbefore referred to shall have been given, and which shall not be prosecuted in appeal before the Supreme Court within six weeks from the date of the judgment or decree appealed from, shall be considered abandoned, and as if no such appeal had been allowed; and execution may issue to compel performance of such judgment or decree.

How if appeal not prosecuted within six weeks.

45. If it shall be made to appear to any such Circuit Court that any judgment, decree, order, or sentence in any civil case heard and determined before such Court, without a jury, is of such importance as to render it proper that an appeal should be prosecuted, although the sum or matter at issue may be less than £20, such Court may allow either the plaintiff or defendant to appeal to the said Supreme Court in like manner, and under and subject to the like provisions, as are hereinbefore mentioned.

Appeal in cases under the value of £20 may be allowed in certain cases.

46. In all civil cases in any Circuit Court where the sum or matter at issue shall exceed, or be of the value of £20, the said Court shall cause the evidence on any such trial to be taken down in writing by the Registrar, or other proper officer, in open Court, in the presence of the witnesses respectively, giving the same, and the evidence so taken shall be of record.

Evidence to be taken down by Registrar.

47. In every case, in which any appeal shall be made, under the provisions of this law, from any judgment of the said Circuit Courts, copies of all documents which shall have been produced and given in evidence, shall be certified and transmitted to the Registrar of the said Supreme Court by the said Registrar, or other officer, together with copies of any documents which shall have been produced and tendered in evidence and rejected.

Copies of documents produced in case to be sent to Supreme Court.

48. The said Supreme Court of Natal shall, in all case of appeal from its judgment or decree in civil cases, heard and determined without a jury, conform to and execute such judgment or order in the premises as shall be made or given by Her Majesty in her Privy Council.

Supreme Court, when appealed from, to conform to judgment of Privy Council.

49. It shall not be competent for either party to any civil suit tried and determined by a jury, before the said Supreme Court or any Circuit Court, to appeal from the verdict given by such jury, which verdict shall be conclusive, unless set aside as hereinafter provided.

No appeal in civil cases tried by jury.

New Trial.

50. In all civil cases tried in the said Supreme Court, or any Circuit Court, by a jury, under the provisions of the said Ordinance No. 7, 1852, either party wishing to set aside the verdict of such jury, may apply for a new trial to the Supreme Court, under and subject to the provisions of the said Ordinance.

New trial, how and when obtained.
Vide Law 10, 1871, § 2.

51. The said Supreme Court shall, in granting or refusing such new trial, conform to the provisions of the said Ordinance No. 7, 1852.

How regulated.
Vide Law 1 1871, § 2.

Supreme Court.

Records of Circuit Courts.

Records of Circuit Courts to be removed to Supreme Court.

52. At the close of each and every Circuit Court, the Judge thereof shall order and direct that the record and proceedings in all cases, civil and criminal, tried before such Court, shall be removed to the Supreme Court.

To be filed as records of Supreme Court.

53. The Registrar, or other officer, of such Circuit Court, shall thereupon forthwith transmit the record and proceedings in all such cases, civil and criminal, to the Registrar of the Supreme Court at Pietermaritzburg, to be by him kept and filed of record, in like manner as the records of the said Supreme Court.

Order of removal and transmission to be deemed a removal of all cases to Supreme Court.

54. Such order and transmission as aforesaid shall be deemed and taken to be a removal from such Circuit Court to the said Supreme Court of all the cases tried and determined by such Circuit Court.

Judgment of Circuit Courts, after removal of cases, to be carried out by Supreme Court.

55. After such order and transmission as aforesaid, all the judgments, decrees, or sentences, civil and criminal, of such Circuit Court may be carried into execution by means of the process of the said Supreme Court, or any judge thereof, issued in that behalf by the Registrar of the said Supreme Court, or such judge, according to the rules of the said Supreme Court, to all intents and purposes as if the same had been the decrees, sentences, or judgments of the said Supreme Court.

Sentences of late District Court.

Supreme Court to carry out sentences of late District Court.

56. The said Supreme Court shall, on the taking effect of this Law, carry out and execute all sentences, decrees, or judgments of the said District Court precisely in the same manner as if the same had been given or pronounced by the said Supreme Court.

Records of late District Court.

Records of late District Court to be handed over to Supreme Court.

57. All the records and proceedings whatsoever of and belonging to the said District Court shall, on the taking effect of this Law, be delivered over to and be deposited with the Registrar of the said Supreme Court, and shall thereupon become as of record therein.

Sheriff, how appointed.

Sheriff, how appointed.

58. The Governor shall appoint some fit and proper person to be the Sheriff of the Colony of Natal.

Duties of Sheriff.

Duties of Sheriff.

59. The said Sheriff shall by himself or his sufficient deputies, to be by him appointed and duly authorised under his hand and seal and for whom he shall be responsible, execute all the sentences, decrees, judgments, writs, summonses, rules, orders, warrants, commands, and processes of the said Supreme Court and of the said Circuit Courts; and shall make a return of the same, together with the manner of the execution thereof, to the said Supreme Court or to the said Circuit Courts as the case may be; and shall receive and

Supreme Court.

detain in prison all such persons as shall be committed to his custody by the said Supreme Court or by the said Circuit Courts, or by the Chief Justice, or by any Judge of the said Court.

Supreme Court to make rules.

60. The said Supreme Court may from time to time make such rules, orders, and regulations touching and concerning the time of holding the said Supreme Court, the form and manner of proceeding to be observed in the said Supreme and Circuit Courts respectively; the practice and pleadings upon all actions, suits, and other matters both civil and criminal; indictments and informations to be therein brought; the appointment of Commissioners to take bail and examine witnesses; the examination of witnesses *de bene esse*, and allowing the same as evidence; the mode and manner of trial by jury in civil cases, and regulating the proceedings as to new trials in civil cases; the proceedings of the Sheriff and other ministerial officers of the said Court respectively; the process of the said Courts, and the mode of executing the same; the summoning, impanelling, and challenging of jurors in criminal cases; the admission of barristers, advocates, and attorneys; the fees, poundage, or perquisites to be lawfully demanded by and payable to any officers, barristers, advocates, and attorneys in the said Courts respectively; and all such other matters and things necessary for the proper conduct and despatch of business in the said Courts respectively; and all such rules, orders, and regulations from time to time to make, alter, amend, or renew as occasion may require: provided always, that no such rules, orders, and regulations shall be repugnant to this Law.

Supreme Court
to make rules.
Vide Appendix.

Miscellaneous Provisions.

61. Whenever the terms, "the District Court of Natal," "the District Court," or "the Recorder," shall be used in any Law, Ordinance, or Rule of Court now in force in this Colony, they shall on the taking effect of this Law be taken to mean the Supreme Court of Natal or any Circuit Court, or the Chief Justice or any Judge of the Supreme Court hereby established.

Construction of
terms in other
Laws now in
force.

62. In any proclamation dividing the Colony into districts, for the purpose of holding the Circuit Courts in such district, the town of Pietermaritzburg may be included in such circuit district precisely as if such town were not the seat of the said Supreme Court.

Pietermaritz-
burg may be
included in a
circuit district.

63. Any person admitted to practise as barrister, advocate, or attorney in the Supreme Court may practise as such in any Circuit Court.

Who may prac-
tise in Circuit
Courts.

64. Any Circuit Court may permit any party, plaintiff or defendant, or his duly constituted agent, to conduct any civil case before such Circuit Court; and any such Circuit Court may allow any person under trial on any criminal charge the assistance of any person in order to his defence on such trial.

Who may con-
duct cases in
Circuit Courts.
Vide Law 25,
1866, § 2.

65. Whenever any process shall be sued out against the Sheriff, the said Supreme Court or any Circuit Court shall appoint some other person to execute and return the same; and such process shall be directed to the person so appointed.

As to process
sued out against
Sheriff.

Supreme Court.—Quarantine.

Date of com-
mencement of
Law.

66. This Law shall take effect at such date as shall by the Governor be fixed by proclamation.

SCHEDULE.

Vide Law 11,
1876.

[Chief Justice ...	...	...	...	£1,200
First Puisne Judge ...	...	...	...	1,000
Second Puisne Judge...	...	...	...	1,000]

Given at Government House, this 10th day of July,
1857.

By command of His Excellency the Lieutenant Governor,

(Signed)

PHILIP ALLEN,
Acting Colonial Secretary.

LAW No. 1, 1858.

*Law for charging a sum of £2,500 upon the Revenue of the
past year.*

LAW No. 2, 1858.

*Law for applying a sum not exceeding £33,786 2s. 6d., for the
service of the year 1858.*

LAW No. 3, 1858.

(Signed) J. SCOTT.

Law to amend the Law relating to Quarantine.

Preamble.

WHEREAS it is expedient to amend the laws relating to the performance of quarantine, by vessels anchoring off, and arriving in, and near, the ports of this Colony:

Be it enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

Ordinance No. 4,
1854, repealed.

1. The Ordinance No. 4, dated the 31st day of August, 1854, entitled, an "Ordinance to establish and regulate Quarantine," shall be, and is hereby, repealed.

Interpretation of
terms.

2. In the interpretation of this Act, whenever the terms or expressions following shall occur, the same shall be construed respectively, in manner hereinafter directed, that is to say, the term "ship" and the term "vessel" shall be construed to mean ship, vessel, or steamer, generally; the term "commander" or "master" of any vessel, shall be construed to mean the person having or taking the

Quarantine.

charge or command of such vessel; and whenever mention is made of any "public officer," the officer mentioned shall be deemed to be such officer, for the time being, or the officer acting as such.

3. All vessels, as well Her Majesty's ships of war, and the ships of war of other nations, anchoring off, or arriving in, any of the ports of this Colony, shall be liable to the regulations contained in this Law, concerning quarantine, and the prevention of infection.

4. Any commander or master of a vessel, anchoring off, or arriving in, any port or place in this Colony, and any person on board thereof, communicating, or attempting to communicate, with the shore, or with any other vessel, or with any boat from any vessel, or from the shore, or allowing any person on board, so to do otherwise than by signal, before such vessel has received pratique from the Port Captain, or health officer, or other person, duly authorised by the Port Captain, in the manner hereinafter mentioned, and before the health flag has been hoisted in token thereof, shall forfeit, for every such offence, the sum of £20; and if it be proved that any malignant disease, of a contagious or infectious nature, existed on board said vessel, when such communication, or attempt at communication, took place, then every commander, master, or other person, so offending, shall be liable to a penalty of £100.

5. Any person from the shore, or from any vessel in, or anchored off, any of the ports in this Colony, or from any fishing, or other boat, except the officers authorised under this Law, boarding, or going alongside, any vessel arriving in, or anchoring off, any of said ports, or receiving into any boat any parcel or package, or other thing whatever, from on board such vessel, previously to such vessel having received pratique, in the mode hereinafter described, shall forfeit, for every such offence, any sum not exceeding twenty pounds sterling, and, in default of payment, shall be imprisoned for six months.

6. The foregoing provisions shall not extend to any vessel arriving coastwise from any other port or place of this Colony, and not having had intercourse, by means of boats or otherwise, during the voyage, with any other vessel than a vessel on a coasting voyage.

7. If at any time it should be necessary for the Port Captain to board any vessel, anchoring off, or entering in, a port of this Colony, or allow his boat's crew to board the same, or otherwise personally to communicate with such vessel, with the view of rendering assistance, in case of danger, previously to such vessel having received pratique, every such person or persons, who may have so communicated with the said vessel, shall remain in quarantine, either on board such vessel, or in their own boat, until such time as the vessel, with which they have so communicated, may have obtained pratique, on pain of rendering themselves liable to the pains and penalties hereinafter imposed on persons unlawfully communicating with the shore, before pratique has been given; and if the vessel with which the Port Captain, or boat's crew, having communicated, as aforesaid, be afterwards placed under quarantine, by a competent authority, the said Port Captain, or boat's crew, shall remain in quarantine also, and become subject to all the provisions of this Law relating thereunto,

All vessels liable to provisions of this Law.

Vide Law 10, 1859, § 1.

Penalty for communicating with shore before receiving pratique.

Penalty for communicating with vessel which has not received pratique

Coasting vessels excepted.

Port Captain or boat's crew, if communicating with vessel without pratique shall remain in quarantine until pratique granted.

Quarantine.

Masters of vessels to sign health certificate, and when pratique granted to hoist health flag.

8. On the anchoring of any vessel off, or the arrival of any vessel in, any port of this Colony, the commander or master thereof, shall, upon being furnished by the Port Captain, or health officer, or other person duly authorised, with a printed declaration of health, according to the form in schedule A, hereunto annexed, fill up and sign the same, if he feels himself justified from the perfect state of health of every person on board so to do, and shall return the said declaration, so filled up and signed, to the officer as aforesaid, whereupon such vessel may be granted pratique, and the commander or master shall then hoist the union jack, or the flag of the nation to which the vessel belongs, to the main-topgallantmast or main-topmast head, as the health flag, in token of such pratique having been duly granted. But no such pratique shall be deemed or taken to be granted, until duly signified by such health flag having been so hoisted.

Penalty for false declaration.

9. If, after the commander or master, of any vessel, anchoring or arriving as aforesaid, has signed the declaration of health as aforesaid, it should appear that any malignant disease, of a contagious or infectious nature, has shown itself on board of such vessel during the voyage to this Colony, with the knowledge of such commander or master, or if it should appear that the statement made in the declaration or in answers to the questions therein inserted, in any way wilfully misrepresented the facts of the case, such commander or master shall forfeit the sum of fifty pounds; and if it be proved that any malignant disease, of a contagious or infectious nature, actually prevailed on board said vessel at the time that the declaration was signed, and with the knowledge of the master or commander, the commander or master so offending, shall forfeit the sum of one hundred pounds sterling.

How, when master of vessel is unable to sign declaration of health.

10. If any commander or master of a vessel, anchoring off or arriving in any port of this Colony, should, from the ill state of health of any of the persons on board of his vessel, or from any other circumstances, not deem himself warranted to sign the aforesaid declaration of health, or if such vessel have troops or convicts on board, or have touched at any of the ports or places on the coast of Africa, or adjacent isles, not within the limits of this Colony, the health officer, or other person duly authorised to act for him, shall, in every such case, make every necessary enquiry into the state of health of the officers, passengers, crew, troops, and convicts, and if there should be any sick persons on board, into the nature and character of their complaints, and shall, after such enquiry, either detain the said vessel in quarantine, or give her pratique, as to him may appear fitting: Provided, that when there may be any reasonable cause of doubt or suspicion, he shall not grant pratique, but shall detain the vessel in quarantine, and report thereon to the Collector of Customs, in order that further medical advice may be obtained.

Duties of health officer in case of vessel being placed in quarantine.

11. If the health officer should deem it necessary to place the vessel in quarantine, he shall notify the same to the master or commander thereof, and give him a copy of this Law, and order him to hoist a yellow flag at the fore-topmast or fore-topgallantmast head, and shall forthwith report the same to the Collector of Customs, as aforesaid, in order that the necessary measures may be taken for

Quarantine.

cutting off all communication with such vessel, for such time as may be needful, and under proper precautions, to be superintended by the health officer, or other person duly appointed, for furnishing said vessel with any supplies she may be in want of; and if the commander or master of any vessel, so placed in quarantine, have not a yellow flag on board, the health officer or Port Captain shall order one to be furnished forthwith, at the expense of the said commander or master, who shall hoist the same, or cause it to be hoisted, as directed, and to be kept up during the day, so long as the vessel may be detained in quarantine, under a penalty of twenty pounds sterling; and during the night, the commander or master of any vessel so placed in quarantine, shall in lieu of such yellow flag, hoist, or cause to be hoisted, at the fore-topmast-head or fore-topgallantmast-head, two lighted lanterns, one over the other, under a penalty of twenty pounds sterling.

12. In case of the illness, or other necessary absence, of the officer of health, the Captain of the Port may give pratique to any vessel, whereof the commander or master has signed the health certificate as aforesaid: Provided, such vessel has not troops or convicts on board, and has not touched at or communicated with vessels coming from any of the ports or places on the coast of Africa or adjacent islands, not within the limits of this Colony, in any of which cases the Port Captain shall not give pratique, but a competent officer shall be expressly appointed to act for the health officer, and shall proceed as has been directed, in foregoing tenth section of this Law.

In absence of health officer, Port Captain may grant pratique.

13. The Lieutenant Governor of this Colony, by and with the advice of his Executive Council, may, with respect to any vessel arriving in or anchoring off a port thereof, and having any malignant disease of an infectious or contagious nature on board, or on board of which any such disease may have appeared in the course of the voyage, or under any suspicious circumstances, as regards the public health, give directions through the health officer, or other competent officer acting for him, for cutting off all communication between such vessel, or any person affected with such disease, and the rest of Her Majesty's subjects, or inhabitants of this Colony, by placing the said vessels, together with their crew, passengers, letters, goods, ware, and other merchandise, in quarantine, according to the circumstances of each particular case, and likewise may give orders for shortening the period of quarantine, or for mitigating it, or for wholly releasing the said persons, letters, goods, or vessels, from quarantine, as to him may seem proper.

Lieutenant Governor may give directions according to circumstances in cases of quarantine.

14. All commanders or masters of vessels, and other persons liable to quarantine, who may have been placed in quarantine, as aforesaid, and all persons having had any intercourse or communication with them, shall be subject, in respect to such quarantine, during the period they are detained therein, to such orders as they may receive from the health officer, or Port Captain, or other competent officer acting for them, and the said officers are hereby authorised and required to enforce all due obedience to the said order, and, in case of necessity, to call in others to their assistance; and any person who is liable to, or under quarantine, refusing or neglecting to obey

Masters of vessels and others placed in quarantine to be under orders of health officer or Port Captain.

Quarantine.

Penalty for evading quarantine.

such orders, or knowingly and wilfully attempting to escape, or to evade, the performance of quarantine, or landing or attempting to land, any letters, goods, wares, or merchandise, so placed under quarantine, shall, on conviction thereof, be liable to a penalty of one hundred pounds sterling.

Persons attempting to escape from strict quarantine may be resisted by force.

15. If, in the case of any person placed in strict quarantine, either on board ship, or in any lazaretto, or other place, allotted for the performance of quarantine, it should be necessary for the due security of the public health, that guards be placed over such person, either in boats or on shore, it shall be lawful for such guards, if an attempt at escape should be made by any such person so placed in strict quarantine, to resist the same by open force, and to use their arms in case of absolute necessity, and such guards shall be held justified for the same, in the event of any bodily injury being inflicted on any such person attempting to break quarantine.

Penalty for communicating without authority with vessels, &c., in quarantine.

16. Any person, not authorised under this Law, who may wilfully and knowingly communicate with any vessel placed under quarantine, or with any person under such quarantine, whether on board ship or on shore, or may carry away any goods, letters, wares, or merchandise, placed under quarantine, and any officer, superintendent, or other person placed in charge of, or as a guard, over any vessel, persons, or goods, under quarantine, who may wilfully connive at, or assist in, any breach of the quarantine regulations established under this Law, shall be liable to a penalty of one hundred pounds sterling.

Lieutenant Governor may appoint stations, &c., and make regulations.

17. It shall be lawful for the Lieutenant Governor, from time to time, to appoint stations, to direct lazarets to be constructed and maintained, and to make such regulations respecting the placing of vessels in quarantine, as he may deem meet, and to appoint all such officers as he may deem necessary, for the purpose of carrying such regulations into effect.

In default of payment of penalties, imprisonment to be adjudged.

18. Any person adjudged guilty of any offence under this Law, may, in default of the payment of the penalty imposed for that offence, be imprisoned for any period not exceeding six months, and with or without hard labour.

Manner of prosecution.

19. All such offences as aforesaid, shall be prosecuted for at the instance of the Attorney General, and shall be heard and determined before the Resident Magistrate of the County of Durban, and all penalties that may be recovered as aforesaid, shall be paid into the Colonial Treasury: Provided, that in any case the Governor may award the whole or any portion of any penalty imposed and recovered, to any person upon whose information or testimony the offender was convicted.

Penalties, how disposed of.

Fee to health officer.

20. The health officer, to be appointed under this Law, shall be entitled to receive for every examination or inspection, instituted by order of the Port Captain under this Law, from the master, owner, or agent, of such vessel, a sum of one pound one shilling sterling, for each such examination or inspection as he may make with regard to such vessel, by order of the Port Captain.

Promulgation.

21. This Law shall commence and take effect from and after the passing thereof.

Quarantine.

SCHEDULE A.

Schedule.

Form of Declaration of Health.

QUESTIONS.

1. Name of vessel, and commander or master?
2. From what port, and whither bound?
3. When sailed?
4. At what intermediate ports or places touched on the voyage, and date of sailing thence?
5. Any troops or convicts on board, and what number?
6. With what vessel communicated during voyage?
7. Date or dates of such communication?
8. Has any person on board suffered any illness of any kind during the voyage, if so, what are, or were, the symptoms of the complaints.

I do hereby solemnly and truly declare, to the best of my knowledge and belief, that the vessel under my command is in a perfectly healthy state, and that during the voyage neither measles, small pox, cholera morbus, yellow fever, nor any other malignant disease of a contagious or infectious nature, has made its appearance on board, and that I have not touched at any port except as above mentioned, or been boarded by or communicated with any vessel having, to my knowledge and belief, any of the above diseases on board, and I am ready to make this declaration on oath whenever I may be called upon to do so.

Given under my hand, this _____ day of 18 .
 _____, Commander or Master.

Given at Government House, this 10th day of April,
 1858.

By command of His Excellency the Lieutenant Governor,
 (Signed) PHILIP ALLEN,
 Acting Colonial Secretary.

LAW No. 4, 1858.

Law for apportioning Quitrents upon the Subdivision of Fixed Property.

Repealed by Law No. 17, 1865, § 1.

LAW No. 5, 1858.

(Signed) J. SCOTT.

Law for repealing Ordinance No. 4 of 1848.

WHEREAS, an Ordinance was passed in the year 1848 for re- Preamble.
 regulating the trade carried on beyond the land boundaries of the said
 Colony of Natal; and whereas it is expedient to repeal the same;

Free Trade in Money.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance No. 4,
1848, repealed.

1. The said Ordinance No. 4 of 1848, entitled, " Ordinance for regulating the Trade carried on beyond the Land Boundaries of the District," shall be and is hereby repealed.

Promulgation.

2. This Law shall commence and have effect from and after the passing thereof.

Given at Government House, this 10th day of April,
1858.

By command of His Excellency the Lieutenant Governor,

(Signed) PHILIP ALLEN,
Acting Colonial Secretary.

LAW No. 6, 1858.

(Signed) J. SCOTT.

Law for securing Free Trade in Money.

Preamble.

WHEREAS, there exists at present in this Colony no local Law or Ordinance by which a legal rate of interest is fixed: And whereas, doubts have arisen as to whether the Roman-Dutch Law, as adapted to the trade and commerce of this Colony, fixes any legal rate of interest: And whereas, it is necessary for the prosperity of the trade and commerce of this Colony that such doubts and all impediments to the introduction, circulation, and free use and trade in money should be removed:

Be it therefore enacted, by the Lieutenant Governor, of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

Money may be lent at any rate of interest fixed between borrower and lender.

1. That from and after the passing of this Law it shall and may be lawful for any bank, public or private company, person or persons, to enjoy and exercise free and unrestricted trade in money, and to lend or invest the same in bills, bonds, or other securities, at any rates of interest or premium or discount that may be arranged or agreed upon between the borrower and lender of capital within this Colony of Natal, any existing Law to the contrary notwithstanding: Provided, that in every case where no special rate of interest has been agreed upon, there shall be no higher rate of interest chargeable than six per cent. per annum.

Where not fixed, interest to be six per cent. per annum.

As to rate of interest to be charged by minors from their tutors or guardians.

2. No minor shall be entitled to claim from his tutor or guardian any higher rate of interest than that actually realized by such tutor or guardian from the amount of property belonging to such minor under the administration of such tutor or guardian during the minority of such minor; or, when no such interest has been realized, any higher rate of interest than six per cent. per annum on the amount under the administration of such tutor or guardian,

Free Trade in Money.—Aliens holding Property.

3. In any case in which spouses are united in marriage without community of goods, or on which one of the spouses has specially received any sum, matter, or thing from the community of goods, the money accruing to one such spouse from the other, or from the estate of the other, shall not bear interest at any higher rate than six per cent. per annum.

Rate of interest on money accruing to one spouse from the other in certain cases.

4. This Law shall take effect and be in force from the passing thereof.

Promulgation.

Given at Government House, this 10th day of April, 1858.

By command of His Excellency the Lieutenant Governor,
(Signed) PHILIP ALLEN,
Acting Colonial Secretary.

LAW No. 7, 1858.

(Signed) J. SCOTT.

Law for enabling Aliens to hold Fixed Property in this Colony.

WHEREAS, by the Law of this Colony aliens are disabled from purchasing, acquiring, or owning fixed property therein; and whereas the circumstances of this Colony are such as to render it expedient that such persons should be enabled to purchase, acquire, and own such property:

Preamble.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. From and after the commencement and taking effect of this Law, it shall be lawful for aliens to purchase, acquire, and own fixed property in this Colony, and to dispose of and give transfer of said property in like manner as natural-born subjects of Her Majesty; but nothing in this Law contained shall be deemed or taken to naturalize any alien, or to bestow upon any alien any of the privileges conferred by certificate of naturalization, save and except only the privilege of purchasing, acquiring, owning, disposing, and giving transfer of fixed property.

Aliens may own and give transfer of fixed property in Natal. Vide Law 28, 1874.

2. This Law shall commence and take effect from and after the promulgation of Her Majesty's confirmation thereof.

Promulgation.

Given at Government House, this 10th day of April, 1858.

By Command of His Excellency the Lieutenant Governor,
(Signed) PHILIP ALLEN,
Acting Colonial Secretary.

LAW No. 8, 1858.

Law for making Further Provision for the service of the year 1858.

Newspapers.

LAW No. 9, 1858.

(Signed) J. SCOTT,

Vide Law 12,
1871.

Law to repeal Ordinance No. 26, 1846, extending to the District of Natal certain provisions of the Cape Ordinance No. 60, 1829, entitled, "Ordinance for preventing the Mischiefs arising from the Printing and Publishing Newspapers, and Papers of a like nature, by persons not known, and for regulating the printing and publication of such papers in other respects; and also for restraining the abuses arising from the Publication of Blasphemous and Seditious Libels;" to enact other Regulations in lieu thereof; and to regulate the transmission of Newspapers by Post.

Preamble.

WHEREAS, the existing Law of this Colony in relation to the newspaper press is unnecessarily cumbrous and restrictive, and is not adapted to the present circumstances of the Colony; And whereas it is necessary to amend the same, and to introduce regulations concerning the transmission of newspapers by post within this Colony:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof:

Ordinance No. 26,
1846, repealed.

1. That Ordinance No. 26, 1846, shall be and the same is hereby repealed.

Declaration to
be made by
printer, &c., of
newspaper before
Resident Magis-
trate.

2. That within one month after the passing of this Law, no person shall print or publish, or shall cause to be printed or published, any newspaper, until a declaration in writing shall be made, setting forth the correct title of the newspaper, a true description of the house or building wherein such newspaper is intended to be printed, and also setting forth the true name and place of abode of every person who is intended to be the printer or to conduct the actual printing of such newspaper, and of any person who is intended to be the publisher thereof, and of every person who shall be proprietor of the same; and every such declaration shall be made and signed by every person named therein as printer, publisher, and proprietor of such newspaper to which such declaration shall relate; and every such declaration shall be made before the Resident Magistrate of the district within which the newspaper shall be published.

Declaration,
where to be filed.

3. One copy of the declaration as aforesaid shall be filed and kept in the office of the Resident Magistrate, and the original shall be transmitted by him to the Colonial Secretary, who shall file and keep the same in the Colonial Office; and either the original declaration or the duplicate declaration aforesaid or certified copies thereof shall be deemed and taken as conclusive evidence of the facts declared in any suit or action, civil or criminal, in any Court of Law in this Colony: Provided always, that if any person against whom any such declaration or copy thereof shall be offered in evidence shall prove that he made a declaration before the Resident Magistrate of the county in which he lives, previous to the date of publication of

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the paper to which the proceedings shall relate, that he had ceased to be the printer and publisher of such paper, such person shall not be deemed, by reason of any former declaration as aforesaid, to have been the printer and publisher of such paper after the day on which such last-mentioned declaration shall have been made before the Resident Magistrate.

4. Any person making such declaration as is by this Law required to be made who shall knowingly and wilfully insert therein anything contrary to the truth, or who shall knowingly and wilfully omit to set forth therein according to the truth any matter or thing required by this Law, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Penalty for false declaration.

5. Any person who shall knowingly and wilfully print or publish, or cause to be printed or published; and any person who shall knowingly and wilfully sell, vend, or deliver out, any newspaper, either as a proprietor thereof, or otherwise, the declaration required by this Law not having been duly made, shall be liable to a penalty not exceeding twenty pounds.

Penalty for publishing without having made declaration.

6. At the end of every newspaper, and of every supplement thereof, the name of the printer and publisher of every newspaper, shall be printed in some part thereof, under a penalty not exceeding twenty pounds for every issue in which the same shall not appear; and one copy of each issue, signed by the printer and publisher, shall be transmitted to the Colonial Secretary, as soon as may be after publication, which shall be carefully kept by the said Colonial Secretary, and shall be paid for, at the published price, out of the colonial revenue; and every publisher, or printer, or proprietor, of such newspaper, who shall neglect to deliver, or cause to be delivered, in manner hereinbefore directed, such copy or copies as aforesaid, signed as aforesaid, shall, for every such neglect, respectively forfeit the sum of ten pounds; and in case any person shall make application in writing to the said Colonial Secretary, in order that any newspaper or any supplement thereof, so signed as aforesaid, may be produced in evidence in any proceeding, civil or criminal, the said Colonial Secretary shall, at the expense of the party applying, at any time within two years from the publication thereof, cause such newspaper, and the supplement thereof, to be produced in the Court in which at the time where the same is required to be produced; and all copies so produced as aforesaid shall be evidence against any printer, publisher, and proprietor of every such newspaper and supplement respectively, in all proceedings, civil or criminal, to be commenced or carried on, as well touching such newspaper, as any matter or thing therein contained.

Name of printer, &c., to be printed at end of each newspaper. One copy of each issue to be signed by printer and publisher and transmitted to Colonial Secretary.

7. Every person who shall establish a newspaper after the passing of this Law, shall conform, in all respects, to the provisions thereof: Provided always, that such person shall make the declarations as aforesaid, at least one week prior to the date of issuing the first number of such paper.

As to newspapers established after passing of this Law.

8. That no person shall print or publish, or cause to be printed or published, any newspaper, until he or she shall have entered into a recognisance before one of the Judges of the Supreme Court, or shall have executed in the presence of, and delivered to, the Resident

Recognisance to be entered into by printer and publisher.

*Newspapers.***Penalty.**

Magistrate of the district where such newspaper shall be printed, a bond, together with two sufficient securities, to the satisfaction of the Judge taking such recognizance, or of the Resident Magistrate taking such bond, in the sum of one hundred pounds, and his or her sureties in a like sum, in the whole conditioned that such printer or publisher shall pay to Her Majesty, her heirs and successors, every such fine or penalty as may at any time be imposed against him by reason of any conviction for printing or publishing any blasphemous or seditious libel, at any time after the entering into such recognizance, or executing such bond, and further conditioned for the payment of any penalty under the provisions of this Law; and every person who shall print or publish any newspaper without having entered into such recognizance, or executed such bond, with such sureties as aforesaid, shall for every such offence forfeit the sum of twenty pounds.

Sureties may withdraw from recognizance on giving notice.

9. Provided always, that if any surety or sureties shall be desirous of withdrawing from such recognizance, it shall and may be lawful to and for him, or them, so to do, upon giving twenty days' previous notice, in writing, to the Colonial Secretary for the time being, at his office, and also to the printer or publisher for whom he or they is or are surety or sureties; and that in any such case every such surety shall not be liable upon the said recognizance, other than except for any penalty or penalties, before that time imposed or incurred, and for which he or they would otherwise have been liable under the said recognizance, and that then, and in every such case, the person for whom such surety shall have been bound, shall not print nor publish any newspaper, or other such paper as aforesaid, until he shall have entered into a new recognizance, with sufficient sureties in manner and to the amount aforesaid; and in case he shall print or publish any newspaper, or other such newspaper as aforesaid, he shall forfeit, for every such offence, the sum of twenty pounds.

New recognizance.

In event of insolvency of surety, new recognizance to be entered into before any newspaper is printed.

10. And in case any surety or sureties in any such recognizance shall be declared insolvent under any law for declaring insolvencies, or shall be discharged under and by virtue of any law for the relief of insolvent debtors, then and in every such case the person for whom such surety or sureties shall have been bound shall not print or publish any newspaper or other such paper as aforesaid until he shall have entered into a new recognizance, with sufficient sureties, in the manner and to the amount aforesaid after he shall be required so to do by the Colonial Secretary, by a notice in writing to that effect; such notice to be left at such place as is mentioned in the affidavit or affirmation last made at the place at which the said newspaper or other such paper as aforesaid without having entered into such new recognizance as aforesaid, having been required in manner aforesaid so to do, he shall forfeit for every such offence the sum of twenty pounds.

11. [Repealed by Law No. 11, 1867, § 1.]

Penalties, how recovered.

Limitation.

12. All pecuniary penalties under this Law may be sued or prosecuted for the use of Her Majesty in the name of Her Majesty's Attorney General within three calendar months next after the act committed, and not afterwards; and notice in writing of such

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proceeding, and the cause thereof, shall be given to the defendant or defendants one month before the commencement of such proceeding.

13. This Law shall commence and take effect from and after the Promulgation. passing thereof.

Given at Government House, this 10th day of April,
1858.

By command of His Excellency the Lieutenant Governor,
(Signed) PHILIP ALLEN,
Acting Colonial Secretary.

LAW No. 10, 1858.

Law for defraying the Expenses of certain Members of the Legislative Council of the Colony of Natal.

Repealed by Law No. 7, 1860, § 1.

LAW No. 11, 1858.

Law to alter and amend the Law for the Registration and Sale of Firearms.

Virtually repealed by Law No. 11, 1862.

LAW No. 12, 1858.

(Signed) J. SCOTT.

Law for the Regulation of Building Societies.

WHEREAS, certain societies, commonly called Building Societies, Preamble. have been established in this Colony, principally amongst the industrious classes, for the purpose of raising by small periodical subscriptions a fund to assist the members thereof in obtaining immoveable property, and it is expedient to afford encouragement to such Societies, and protection to the property obtained therewith:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall and may be lawful for any number of persons in this Colony, to form themselves into and establish Societies, for the purpose of raising by the monthly or other subscriptions of the several members of such Societies, shares, not exceeding the value of one hundred pounds for each share, such subscriptions not to exceed, in the whole, one pound per month for each share, a stock, or fund, for the purpose of enabling each member thereof to receive, out of the Formation and powers of society.

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funds of such Society, the amount or value of his or her share or shares therein, to erect or purchase one or more dwelling house or dwelling houses or other immoveable property, to be secured by way of mortgage to such Society, until the amount or value of his or her shares shall have been fully repaid to such Society, with the interest thereon, and all fines or other payments incurred in respect thereof, and to and for the several members of each Society, from time to time, to assemble together, and to make, ordain, and constitute such proper and wholesome rules and regulations for the government and guidance of the same, as to the major part of the members of such Society, so assembled together, shall seem meet, so as such rules shall not be repugnant to the express provisions of this Law, and to the general Laws and Ordinances of the Colony; and to impose and inflict such reasonable fines, penalties, and forfeitures, upon the several members of any such Society, who shall offend against any such rules, as the members may think fit, to be respectively paid to such uses, for the benefit of such Society, as such Society, by such rules, shall direct; and also, from time to time, to alter and amend such rules as occasion may require, or annul or repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this Act contained; provided that no member shall receive, or be entitled to receive, from the funds of such Society, any interest or dividend, by way of annual or other periodical profit, upon any shares in such Society, until the amount or value of his or her share shall have been realised, except on the withdrawal of such member, according to the rules of such Society then in force.

Rules of society to set forth the purposes for which the society is formed, and to direct application of moneys.

2. Every such Society so to be established as aforesaid, before any of the rules thereof shall be confirmed, in manner hereinafter directed, shall, in one or more of the rules to be registered by the Registrar of the Supreme Court, declare all and every the intents and purposes for which such Society is intended to be established, and shall also, in and by such rules, direct all and every the uses and purposes to which the money shall from time to time, be subscribed, paid, or given to or for the use or benefit of such Society shall be appropriated and applied, and in what shares and proportions, and under what circumstances, any member of such Society, or other person, shall become entitled to the same, or any part thereof; provided, that the application thereof shall not, in any wise, be repugnant to the uses, intents, and purposes of such Society, or any of them, so to be declared as aforesaid, and all such rules, during the continuance of the same, shall be complied with and enforced; and the monies so subscribed, paid, or given, or so arising to or for the use or benefit of such Society, or belonging thereto, shall not be divested or misapplied, either by the treasurer, trustee, or any other officer, or member of such Society, entrusted therewith, under such penalty or forfeiture, as such Society shall by any rule impose or inflict for such offence.

Rules when made or altered to be submitted to Attorney General, &c.

3. Two transcripts of all rules made in pursuance of this Law, signed by three members and countersigned by the secretary, with all convenient speed after the same shall be made, altered, or amended; and so from time to time after any making, altering, or amending thereof shall be submitted to Her Majesty's Attorney

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General, or to such advocate as he may appoint, for the purpose of ascertaining whether the said rules of such Society, or alteration or amendment thereof are calculated to carry into effect the intention of the parties framing such rules, alterations, or amendments, and are in conformity to the provisions of this Law. And the said Attorney General or advocate shall give a certificate on each of the said transcripts that the same are in conformity to law, or point out in what part or parts the said rules are repugnant thereto; and one of such transcripts, when certified by the Attorney General or said advocate, shall be returned to the Society, and the other shall be transmitted to the Registrar of the Supreme Court; and such transcripts shall be filed by the Registrar of the Supreme Court with the records of the Court in his custody without fee or reward; and the said Registrar shall endorse on the same the date of filing such transcript, and shall furnish a certificate of such registration to the secretary of such Society. And that all rules, alterations, and amendments thereof from the time when the same shall have been filed by the said Registrar of the Supreme Court shall be binding on the several members and officers of the said Society and all other persons having any interest therein; and a copy of such transcript, examined with the registered transcript and proved to be a true copy, shall be received in all Courts in this Colony as evidence of such rules respectively in all cases. Provided always, that there shall be payable to the person perusing the said rules, for his certificate thereon, a fee not exceeding one guinea.

Attorney General, &c., to certify rules. A copy to be filed by Registrar of Supreme Court.

Fee for certifying rules.

4. In case such Attorney General or advocate shall refuse to certify all or any of the rules so to be submitted for his perusal and examination, it shall then be lawful for any such Society to submit the same to the Supreme Court, together with the reasons assigned, in writing, by such Attorney General or advocate for any such rejection or disapproval of any one or more of such rules; and the said Court shall upon motion, if they think fit, order the Registrar to file the same, notwithstanding such rejection or disapproval.

If Attorney General, &c., refuse to certify rules, they may be submitted to Supreme Court for decision.

5. It shall and may be lawful to and for any such Society in and by the rules thereof to describe the form or forms of transfer, agreement, bond, or other instrument which may be necessary for carrying the purposes of said Society into execution, and which shall be specified and set forth in a schedule to be annexed to the rules of such Society, duly certified and filed as hereinbefore provided.

Rules may describe forms of transfer, bond, &c.

6. No rule registered in manner aforesaid shall be altered, rescinded, or repealed unless at a general meeting of the members of such Society as aforesaid, convened by a written notice signed by the secretary or president or other principal officer or clerk of such Society, and delivered or transmitted by post to each member at least seven days previous to such meeting of such Society to be held next before such general meeting for the purpose of such alteration or repeal, unless a committee of such members shall have been nominated for that purpose at a general meeting of the members of such Society convened in manner aforesaid; in which case, such committee shall have the like power to make such alteration or repeal: and unless such alteration or repeal shall be made with the concurrence and approbation of three-fourths of the members of

Rules not to be altered except at a general meeting.

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such Society then and there present, or by the like proportion of such committee as aforesaid, if any shall have been nominated for that purpose.

Rules to specify places of meeting, &c.

7. The rules of every Society formed under the authority of this Law shall specify the place or places at which it is intended such Society shall hold its meetings; and shall contain provisions with respect to the powers and duties of the members at large, and of such committees or officers as may be appointed for the management of the affairs of such Society.

Society may appoint officers.

8. Every such Society shall and may from time to time, at any of their usual meetings, or by their committee, if any such shall be appointed for that Society, elect and appoint such person or persons into the office of president, treasurer, trustees, and secretary of such Society, as they shall think proper, and also shall and may, from time to time, elect and appoint such clerks and other officers as shall be deemed necessary to carry into execution the purposes of such Society, for such space of time, and for such purposes as shall be fixed and established by the rules of such Society, and from time to time to elect and appoint others in the room of those who shall vacate, die, or be removed; and such president, treasurer, trustees, secretary, and all and every other officer, or other person whatever, who shall be appointed to any office in anywise touching or concerning the receipts, management, or expenditure of any sum of money collected for the purpose of any such Society, before he, she, or they, shall be admitted to take upon him, her, or them, the execution of any such office or trust, shall become bound in a bond, according to the form prescribed in the schedule to this Act annexed, with two sufficient sureties, for the just and faithful execution of such office or trust, and for rendering a just and true account, according to the rules of such Society, and in all matters lawful to pay obedience to the same, in such penal sum of money as by the major part of such Society, at any such meeting as aforesaid, shall be thought expedient, and to the satisfaction of such Society; and that every such bond to be given by or on the behalf of such president, treasurer, trustees, secretary, or of any other person appointed to any other office or trust, shall be given to the Clerk of the Peace of the county where such Society shall be established, for the time being, without fee or reward; and in case of forfeiture it shall be lawful to sue upon such bond, in the name of the Clerk of the Peace for the time being, for the use of the said Society, fully indemnifying and saving harmless such Clerk of the Peace from all costs and charges in respect of such suit.

Officers to give security.

Bonds to be given to Clerk of the Peace.

Society may elect a committee; powers and duties of committee.

9. Every such Society shall and may, from time to time, elect and appoint any number of the members of such Society to be a committee, the number thereof to be declared in the rules of every such Society, and shall and may delegate to such committee all or any of the powers given by this Law to be executed; who, being so delegated, shall continue to act as such committee for and during such time as they shall be appointed for such Society for general purposes, the powers of such committees being first declared in and by the rules of such Society, registered as in manner hereinbefore directed; and a majority of the members of such committee shall, at

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all times be necessary to concur in any act, and such committee shall, in all things delegated to them, act for and in the name of such Society. Provided always, that the transactions of such committee shall be entered in a book belonging to such Society, and shall be, from time to time, and at all times, subject and liable to the review, allowance, or disallowance, and control of such Society, in such manner and form, as such Society shall, by their general rules, registered as aforesaid, have directed and appointed, or shall, in like manner, direct and appoint.

10. It shall and may be lawful to, and for, the president, treasurer, or trustees, for the time being, of any such Society, and he, she, and they is, and are, hereby authorised and required, from time to time, by and with the consent of such Society, to be had in such manner as shall be directed by the general rules of such Society, to lay out and dispose of such part of all such sums and money as shall at any time be collected, given, or paid, to and for the beneficial ends and purposes of such Society, as the exigencies of such Society shall not call for the immediate application, or expenditure, of either, on moveable or immoveable securities, to be approved of as aforesaid, or to invest the same in any of the banks of the Colony, in the name of the president, or trustees, for the time being, and from time to time, with such consent as aforesaid, to alter and transfer such securities, and to make sale thereof, and, that all dividends, interests, and proceeds, which shall from time to time arise from the monies so laid out or invested as aforesaid, shall be applied to and for the use of such Society, according to the rules thereof.

Investment of funds of society.

11. Every person who shall have or receive any part of the moneys, effects, or funds, or securities of or belonging to any such Society, or shall in any manner have been or shall be entrusted with the disposal, management, or custody thereof, or of any securities, books, papers, or property relating to the same, his or her executors and assigns respectively shall, upon demand made or notice in writing given at last or usual place of residence of such persons, in pursuance of any order of such Society or committee thereof, give in his or her account at the usual meetings of such Society or to such committee thereof, to be examined and allowed or disallowed by such Society or committee thereof, and shall on the like demand or notice, pay over all the moneys remaining in his or her hands, and transfer and deliver all securities and effects, books, papers, and property, standing in his or her name, or being in his or her hands or custody, to the president, treasurer, or trustees, for the time being, or to such other person as such Society or committee thereof shall appoint; and in case of any neglect to deliver such account, or to pay over such moneys, or to transfer and deliver securities, and effects, books, papers, and property, in manner aforesaid, it shall and may be lawful to and for every such Society, in the name of the secretary thereof, to apply, by motion to the Supreme Court, who shall and may summarily proceed thereon, and make such order therein as to such Court, in their discretion, shall seem just, which order shall be final and conclusive.

Persons entrusted with moneys, books, &c., of society to render account on demand.

12. It shall not be lawful for any such Society, by any rule, at any general meeting or otherwise, to dissolve or determine such

How and when society may be dissolved.

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Society, so long as the intents or purposes declared by such Society, or any of them, remain to be carried into effect, without obtaining the votes of consent of five-sixths in value of the then existing members of such Society, to be ascertained in manner hereinafter mentioned, and also the consent of all persons then entitled to any benefit from such Society, testified under their hands; and for the purpose of ascertaining the votes aforesaid, every member shall be entitled to one vote, and an additional vote for every two shares of which he may be the owner; provided also, that no one member shall have more than five votes in the whole, and in all cases of dissolution, the intended appropriation of the funds or other property of such Society, shall be fairly and distinctly stated in the proposed plan of dissolution, prior to such consent being given; and in the event of such dissolution or misappropriation of the funds of such Society, without the consent thereby declared to be requisite, the president, trustees, or other officer or person aiding or abetting therein, shall be liable to prosecution, as in cases of fraud.

Officers, &c., of society not responsible for deficiencies beyond amounts received by them.

13. No president, trustees, treasurer, secretary, or other officer of any Society, registered under this Law, shall be liable to make good any deficiency which may arise in the funds of said Society: Provided always, that the president, trustees, treasurer, secretary, and every other officer of any such Society, shall be and are hereby declared to be personally responsible and liable for all moneys actually received by him, her, or them, on account of, or to or for the use of the said Society: Provided always, that the receipts in writing of the president or secretary for the time being of such Society for any moneys payable to or on account of such Society, shall effectually release the person or persons paying the same, from all claims of such Society for the said monies, both at law and in equity, and discharge the party so paying the same from all obligation of seeing to the application thereof.

Rules to declare whether matters of dispute shall be referred to Resident Magistrate or to arbitrators.

Arbitrations.

14. Provided always, that provision shall be made by one or more of the rules of such Society, registered as aforesaid, specifying whether a reference of every matter in dispute between any such Society, or any person acting under them, and any individual member thereof, or person claiming on account of any member, shall be made to such Resident Magistrate as may act in and for the county in which such Society may be formed, or to arbitrators to be appointed in manner hereinafter directed; and if the matter so in dispute shall be referred to arbitration, certain arbitrators shall be named and elected at the first meeting of such Society, or general committee thereof, that shall be held after the registration of its rules, none of the said arbitrators being beneficially interested in the funds of the said Society, of whom not less than three shall be chosen by ballot, in each such case of dispute, the number of the said arbitrators being determined by the rules of the Society, their names shall be duly entered in the book in which the rules are entered as aforesaid, and it shall be made lawful to and for the said Society or committee thereof, and they are hereby required to name and elect one or more arbitrator or arbitrators as aforesaid, to act in the place of any arbitrator or arbitrators dying, or refusing, or neglecting to act, and whatever award made by majority of the said arbitrators according to the meaning of the rules

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of such Society, shall be binding and conclusive on all parties, and shall be final, without appeal; and should either of the said parties in dispute refuse or neglect to comply with, or conform to the decision of the said arbitrators, it shall and may be lawful for any Resident Magistrate, upon proof to him of such award having been made, and of the refusal of the party to comply therewith, to summon the person against whom such complaint shall be made, to appear at a time and place to be named in such summons, and upon his or her appearance, or in default thereof, upon due proof of the service of such summons, the said Resident Magistrate may proceed to make such order thereon as to him may seem just; and if the sum of money so awarded, together with the sum adjudged for costs shall not immediately be paid, then such Magistrate shall, by warrant under his hand, cause such sum, and costs as aforesaid, to be levied by distress and sale of the moneys, goods, property, securities, and effects belonging to the said party or to the said Society.

15. When the rules of any Society provide for a reference to arbitrators of any matter in dispute, and it shall appear to any Resident Magistrate, on the complaint on oath of a member of any such Society or of any person claiming on account of such member, that application has been made to such Society, or to the secretary thereof, for the purpose of having any dispute so settled by arbitration, and that such application has not, within twenty days, been complied with, or that the arbitrators have declined or refused to make any award, it shall and may be lawful for such Resident Magistrate to summon the trustee, secretary, or other officer of the Society, or any one of them against whom complaint is made, and to hear and determine the matter in dispute, in the same manner as if the rules of the said Society had directed that any matter in dispute as aforesaid should be decided by the Resident Magistrate.

Matters referred to arbitrators, and not settled by them, may be determined by Resident Magistrate.

16. Every sentence, order, and adjudication of any Resident Magistrate under this Law shall be final and conclusive to all intents, and shall not be subject to appeal or review.

Sentence of Resident Magistrate to be final.

17. No rules of any such Society, or any copy thereof, nor any transfer of any share or shares, shall be subject or liable to or charged with any stamp duty or duties whatsoever.

Rules, &c., of society not subject to stamp duty.

18. Every such Society, in all actions, suits, and legal proceedings, shall sue and be sued in the name of its secretary, and may take mortgage bonds, bills of exchange, and other securities in the name of its secretary: and no such action, suit, or legal proceeding shall abate by reason of the person filling such office dying or otherwise ceasing to fill that office; but may be continued by his successor in office for the time being: and in case of the person filling such office dying or otherwise ceasing to hold that office, all mortgage bonds, bills of exchange, and other securities formerly executed in his favour, or that of any of his predecessors, shall belong to his successor in office for the time being; and may be put in force, sued upon, and cancelled, and the moneys due thereon be received by such successor without cession or endorsement, as if the same had been originally taken in his name.

Society to sue and be sued in name of Secretary.

19. When and so often as it shall happen that any person seized or possessed of any lands or houses, or in whose name there shall

In case of absence, insolvency, &c., of trustee,

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&c., possessed of effects of society, Supreme Court may give orders.

be any bonds, bills, mortgages, or other securities for money standing, being, or existing as trustee for any such Society, shall be absent out of the jurisdiction of the Supreme Court, or shall be an insolvent, or lunatic, or it shall be uncertain whether such trustee be living or dead, it shall and may be lawful for the Supreme Court, or one of the Judges thereof, to order the aforesaid lands, bonds, bills, mortgages, or other securities for money to be transferred, paid, or assigned into the name of such person as such Society, or a committee thereof, may appoint; and all such transfers and assignments so made shall be, and are hereby declared to be, valid and effectual to all intents and purposes whatsoever, any Law, Ordinance, or custom to the contrary thereof in anywise notwithstanding.

Societies existing prior to 1st February, 1858, to come under this Law.

20. All Building Societies established prior to the first day of February, 1858, shall be entitled to the protection and benefits of this Law, on their present rules being duly certified and registered as directed by this Law; and no Society shall be entitled to the benefits of this Law until their rules have been so certified and registered.

This Law a public Law.

21. This Law shall be deemed a public Law; and shall be taken notice of as such by all Judges, Justices, Resident Magistrates, and other persons whatsoever, without the same being specially shown or pleaded.

Promulgation.

22. This Law shall take effect from and after the promulgation thereof.

Schedule.

SCHEDULE.*Form of Award.*

We, the major part of the arbitrators duly appointed by the Society, established at _____, in the county of _____, do hereby award and order that A. B. (*specifying by name the party or the officer of the Society*) do, on the day of _____, pay to C. D. the sum of _____ (or, we do hereby reinstate in, or expel A. B. from, the said Society, as the case may be).

Dated this _____ day of _____, one thousand eight hundred and _____

E. F.
G. H.

Form of Bond.

Know all men by these presents, that we, A. B., of _____, Secretary (*or other officer of Society*) of the _____ Society, established at _____, in the county of _____, and C. D., of _____, and G. H., of _____, are jointly and severally held and firmly bound to J. B. R., the present Clerk of the Peace for the county of _____, in the sum of £ _____, to be paid to the said J. B. R. or his successor, the Clerk of the Peace of the said county for the time being, or his certain attorney, for which payment, well and

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truly to be made, we jointly and severally bind ourselves and, each of us by himself, our and each of our heirs and executors firmly by these presents.

Dated the day of , in the year of our Lord

A. B.
C. D.
G. H.

Whereas, the above bounden A. B. hath been duly appointed Secretary (*or Trustee, &c.*) of the Society, established as aforesaid, and he, together with the above bounden C. D. and G. H., have entered into the above written bond, subject to the condition hereinafter contained : Now, therefore, the condition of the above written bond is such, that if the said A. B. shall and do justly and faithfully execute his office of Secretary (*or Trustee*) of the said Society established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said Society in his hands or custody, to such person or persons as the said Society shall appoint, according to the rules of the said Society, together with the proper or legal receipts or vouchers for such payments, and likewise shall, and do, in all respects, well and truly, and faithfully perform and fulfil his office of Secretary (*or Trustee, &c.*) to the said Society, according to the rules thereof, then the above written bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

Given at Government House, this 10th day of April,
1858.

By command of His Excellency the Lieutenant Governor,
(Signed) PHILIP ALLEN,
Acting Colonial Secretary.

LAW No. 1, 1859.

For making further provision for the service of the year 1858.

LAW No. 2, 1859.

For making further provision for the service of the year 1858.

LAW No. 3, 1859.

For applying a sum not exceeding £39,325 16s. for the service of the year 1859.

Gunpowder and Firearms.

LAW No. 4, 1859.

For making further provision for the service of the year 1859.

LAW No. 5, 1859.

(Signed) J. SCOTT.

*Law for preventing the Sale of Gunpowder and Firearms to, and prohibiting the possession of the same by Natives.***Preamble.**

WHEREAS, by the disallowance by Her Majesty of a Bill passed by the Legislative Council, entitled, "For securing the better Protection and Peace of the Colony," the Laws now in force in this Colony regulating the sale and possession of firearms and gunpowder are ineffectual in preventing the sale of firearms and gunpowder to, and in prohibiting the possession of firearms and gunpowder by, natives within this Colony; and whereas it is expedient to amend the said Laws:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Penalty of supplying firearms or gunpowder to natives.

Vide Law 12, 1862.

Natives may not possess firearms or powder without Lieutenant Governor's permission.

Vide Law 12, 1862.

Firearms, &c., may be seized.

Penalty.

1. Any person who shall in this Colony give, lend, sell, or barter, to any person of the native tribes of this Colony, or to any person of the native tribes of the countries adjacent thereto, any gun, or pistol, or gunpowder, unless by the written permission to that effect of the Governor, shall be liable to a fine not exceeding fifty pounds, and, at the discretion of the Resident Magistrate, to imprisonment for any term not exceeding two years, and with or without hard labour; and any such gun, or pistol, or gunpowder, may be seized and forfeited.

2. No person of the native tribes of this Colony, and no native of the tribes residing in the countries adjacent thereto, shall be allowed or entitled to possess any gun, or pistol, or gunpowder, in this Colony, without the written permission of the Lieutenant Governor; and every Resident Magistrate shall, upon the production of such permission, cause every such gun or pistol to be marked and registered, and shall mark upon every such gun or pistol the number of such registration, and shall record in his office the name of the party so registered, and the date and number of such registration.

3. All guns, or pistols, or gunpowder, found in this Colony in the possession of any person of the native tribes of this Colony, or of any person of the native tribes of the countries adjacent thereto, without the written permission of the Governor as aforesaid, shall be seized and forfeited, whether the said gun or pistol be marked and registered or not; and the party in whose possession, as aforesaid, any such gun, or pistol, or gunpowder, may be found, shall be liable to a penalty not exceeding fifty pounds, or at the discretion of the Resident Magistrate to imprisonment for any term not exceeding two years.

Gunpowder and Firearms.—Branch Courts.

4. Any Magistrate, Justice of the Peace, Fieldcornet, or Policeman, may stop any person of the native tribes of this Colony, or any native of the tribes residing in the countries adjacent thereto, who may have in his possession, contrary to the provisions of this Law, any gun, or pistol, or gunpowder, and seize the same, and forthwith carry the offender before the Resident Magistrate or Justice of the Peace of the county.

By whom firearms may be seized.

5. All fines imposed by this Law shall be paid into the Colonial Treasury: provided that the Court may, in any case, award and direct any portion, not exceeding one-half thereof, to any person, or persons, who shall have given such information as may have led to the conviction of any offender.

Fines.

6. Any gun, or pistol, or gunpowder, seized under this Law, shall be forfeited to Her Majesty, without any adjudication of forfeiture being required.

Forfeitures.

7. All contraventions of this Law shall be cognizable in any Court of any Resident Magistrate of any county or division in which the offender shall be found, or where the offence shall have been committed.

Offences cognizable in any Court.

8. This Law shall commence and take effect from such date as the Lieutenant Governor shall fix and determine by Proclamation in the *Government Gazette*.

Date of effect of law.

Given at Government House, this 21st day of June, 1859.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 6, 1859.

(Signed) J. SCOTT.

Law to provide for the holding of Branch Courts by the Resident Magistrates.

WHEREAS it is expedient to provide for the holding of Branch Courts by the Resident Magistrates in this Colony:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Vide Ord. 16, 1846.

1. It shall and may be lawful for the Lieutenant Governor of this Colony, by any proclamation to be by him from time to time issued for that purpose, and published in the *Government Gazette*, to erect, constitute, and establish Branch Courts, to be held before the Resident Magistrates, within their respective counties or divisions, at such places as the Lieutenant Governor may appoint.

Branch Courts.

2. The Resident Magistrate shall hold a Court at such place or places within his county or division, as the Lieutenant Governor shall, by proclamation, have appointed, and upon such days as shall,

To be held by Resident Magistrates.

Branch Courts.

	in regard to each Resident Magistrate, have been announced by such Resident Magistrate in the <i>Government Gazette</i> .
Jurisdiction.	3. The Resident Magistrate, at every such Branch Court, shall have and exercise the same jurisdiction, civil and criminal, as he now has and exercises in the Court of his county or division; and all rules and orders of the said Court are hereby extended to the said Branch Court, in as far as the same are applicable.
Places and dates for holding Branch Courts.	4. The places for the holding of each Branch Court, as well as the days for the holding of the same, may be from time to time increased, diminished, or otherwise changed, by proclamation or notice, according as the change shall relate to the place or places, or to the days of holding such Court.
Justices of the Peace associated with Resident Magistrate.	5. The Lieutenant Governor may nominate and notify, in the <i>Government Gazette</i> , as many Justices of the Peace for each Court, as he shall think fit, to be associated with the said Resident Magistrate, and who shall with him determine and decide all criminal cases proper for trial in such Magistrate's Court. Provided always, that the Resident Magistrate shall, by virtue of his office, be and preside as chairman of such Branch Court; and provided always, that it shall be lawful for the Resident Magistrate to hold such Court, notwithstanding the absence of all or any of such associated Justices.
Resident Magistrate to preside.	6. The Lieutenant Governor may, on sufficient cause to him appearing, from time to time, omit the names of any of the Justices of the Peace so nominated as aforesaid, or may nominate and notify additional Justices of the Peace to those already nominated.
Justices subject to nomination by Lieutenant Governor.	7. The Magistrate or Magistrates so associated as aforesaid, shall have and exercise, at such Branch Court, the same jurisdiction in criminal matters which the Resident Magistrate may have and exercise at such Court.
Jurisdiction of associated Magistrates.	8. And whereas it may happen that illness, or some other cause, may prevent the Resident Magistrate from attending the said Branch Court, on the day appointed for holding the same; it shall and may be lawful for the associated Justices of the Peace, provided two be present, to proceed with the trial of criminal business at such Branch Court.
Justices to proceed with criminal business in the absence of Resident Magistrate.	9. Provided always, the senior Justice of the associated Magistrates shall preside in the absence of the said Resident Magistrate.
Senior Justice of the Peace to preside. Decision by majority.	10. In the event of any difference of opinion in such Branch Court, the decision of the majority of the Magistrates attending such Branch Court shall be taken and deemed to be the judgment of the Court.
Casting vote.	11. Provided always, that the Chairman, in case of an equality of votes, shall have a second or casting vote.
Records.	12. The records of the said Branch Courts shall, at the close of every sitting thereof, be transmitted to, and deposited with, the Clerk of the Court of the Resident Magistrate, at the seat of Magistracy.
Writs of execution.	13. If no execution shall have been issued before the closing of the proceedings of such Branch Courts, the necessary writ of execution, in any civil case decided in any such Branch Court, may be issued by the Clerk of such Resident Magistrate, so soon as the said records are transmitted to and deposited with him,

Branch Courts.—Witnesses.

14. The clerk, and other officers of the said Resident Magistrate's Court shall, in respect of every such Branch Court, discharge and perform the several duties in regard to the issuing the process of such Branch Courts; and further, as regards the said Branch Courts, shall perform such other duties as they are compelled to perform under the rules and regulations for the Courts of the said Resident Magistrates.

Clerk, &c., of
Resident Magistrate's Court to
perform duties of
Branch Courts.

15. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement
of Law.

Given at Government House, this 21st day of June,
1859.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 7, 1859.

*Law for amending the third section of Law No. 4, 1858, entitled,
"Law for apportioning Quitrents, upon the Subdivision of
"Fixed Property."*

Repealed by Law No. 17, 1865, § 1.

LAW No. 8, 1859.

Law to amend the thirty-third section of Law No. 9, 1857.

Repealed by Law No. 11, 1862, § 1.

LAW No. 9, 1859.

(Signed) J. SCOTT.

*Law for declaring the number of Witnesses necessary to attest Acts
or Deeds.*

WHEREAS, doubts have arisen as to the number of witnesses necessary for the due attestation of the signature to certain acts and deeds of parties which by law it is required should be passed, signed, or executed in the presence of witnesses, and it is expedient to remove such doubts, and to declare the law in this respect:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Witnesses.—Quarantine.

One witness to
acts or deeds.

Vide Law 22,
1863, § 2; and
Law 2, 1868, § 1.

Verification of
signature.

Perjury.

Repeal of former
Laws.

Notarial acts
excepted.

Commencement
of Law.

1. Any act or deed which the law or custom of this Colony requires to be passed, signed, or executed in the presence of witnesses may be so passed, signed, or executed in the presence of one witness, who, as such, shall subscribe his name to such act or deed.

2. No act or deed which by the law or custom of this Colony is required to be passed, signed, or executed in the presence of witnesses shall be held invalid by reason of its having been passed, signed, or executed in the absence of any witnesses, or in the presence of any illiterate person unable to subscribe his name: provided an affidavit of one or more persons, duly sworn in verification of the signature to such act or deed be attached thereto.

3. Any person who shall wilfully falsely swear to any such affidavit as aforesaid, and any person who shall suborn any other person so to do, knowing the same to be false, shall be deemed guilty of wilful and corrupt perjury or subornation of perjury; and, on conviction thereof be liable to the pains and penalties by law provided for perjury and subornation of perjury.

4. Any Law now in force in this Colony repugnant to the provisions of this Law shall be and the same is hereby repealed.

5. This Law shall not extend to any act or deed passed, signed, or executed before any Notary Public.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 21st day of June,
1859.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1859.

(Signed) J. SCOTT.

*Law to amend the Law No. 3, 1858, entitled, "Law to amend the
"Law relating to Quarantine."*

Preamble.

WHEREAS, it is expedient to amend the Law relating to Quarantine, by exempting from the provisions of the said Law Her Majesty's ships of war, and by limiting the operation of said Law to the harbour and outer roadstead of Port Natal:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Her Majesty's
ships exempted.

1. Her Majesty's ships of war shall be and are hereby exempted and excluded from the provisions and operation of said Law No. 3, 1858,

Quarantine.—Supreme Court.

2. The said Law shall only apply to such ships or vessels as shall come to anchor or arrive in the outward bay or the inner harbour of Port Natal.

To what ships this Law is applicable.

3. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 21st day of June, 1859.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 11, 1859.

(Signed) J. SCOTT.

Law to explain certain sections of the Law No. 10, 1857.

WHEREAS, doubts have arisen whether the effect of sections 29 and 30 of the Law No. 10, 1857, may not be to prevent, save so far as may be authorised under section 61 of the said Law, any order being made in Chambers or by a single Judge with reference to any question, matter, or thing arising in the course of any civil suit depending before the Supreme Court of this Colony:

Preamble.

Vide Law 10, 1857, §§ 29, 30, 61.

And whereas, there are several introductory matters with reference to which such an effect of the said sections might be attended with serious injury and inconvenience to the public:

And whereas, power being given by the 35th section of the said recited Law to the said Supreme Court, and any Circuit Court of this Colony to remove, in certain cases, suits pending therein respectively to some other Court, doubts have arisen whether the Court to which any suit may be so removed is by the said Law empowered to proceed in such suit if the same would not originally have been within such Court's jurisdiction:

Vide Law 10, 1857, § 35.

Be it therefore declared and enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That the said sections 29 and 30, of the said Law No. 10, 1857, shall, so far as relates to proceedings being required to be in open Court, or to two Judges being requisite for a decision, be deemed not to have applied, nor hereafter to apply necessarily to any order, question, matter, or thing, other than a final judgment, decree, or sentence, in any civil suit depending before the said Supreme Court, or than an order having the effect of a final judgment, decree, or sentence, in any such last-mentioned suit, or than a judgment or decree in any of what are commonly known as provisional cases, or than an order applied for by way of appeal from any previous order made by a single Judge, and subject to be so appealed from. Provided always, that nothing herein contained shall be deemed to lessen, as to any subject matter, the jurisdiction of the said Supreme Court.

Cases to which §§ 29 and 30, of Law No. 10, 1857, are not applicable.

Vide Law 4, 1864, § 1.

Supreme Court.—Immigrants.

Jurisdiction of
Court to which
trial is removed.

2. Whenever the said Supreme Court, or any such Circuit Court, shall, under the powers given by the said 35th section, order the removal of any suit to any other Court, such last-mentioned Court shall have like jurisdiction, in respect of such suit, as the Court making the order for removal would have had, if such order had not been made, or as the Court to which the suit shall be removed would have had, if such suit had been commenced and proceeded with therein, as may best meet the requisites of the case.

Commencement
of Law.

3. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

Given at Government House, this 21st day of June,
1859.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 12, 1859.

*Law for amending Ordinance No. 4, 1851, entitled an "Ordinance
"regulating the Conveyance and Postage of Letters."*

Repealed by Law No. 10, 1862, § 1.

LAW No. 13, 1859.

(Signed) J. SCOTT.

Vide Law 15,
1871, § 1.

*Law to amend and regulate the Laws relating to the introduction and
engagement of Immigrants from Territories to the Eastward of
the Cape of Good Hope, not within Her Majesty's dominions in
India.*

Preamble.

WHEREAS it is expedient to amend and regulate the Laws relating to the introduction and engagement of immigrants from territories to the eastward of the Cape of Good Hope, not within Her Majesty's dominions in India:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

Introduction of
immigrants from
the east.

1. From and after the commencement of this Law, the introduction of immigrants from any place or places to the eastward of the Cape of Good Hope, and not within Her Majesty's dominions in India, into this Colony, shall be conducted in manner hereinafter provided; and no immigrants shall be introduced from any adjacent territory, or by sea, except as hereinafter provided; and all immigrants so introduced shall, under the conditions and in the manner hereinafter specified, be competent to enter into contracts of service for any period not exceeding three years.

Immigrants.

2. Any person desirous of introducing to the Colony such immigrants by sea, may, previous to the departure of the vessel from the Colony, if such vessel shall be chartered in the Colony, apply to the Governor for a license authorising such introduction, which license the Governor shall have power to grant, as herein-after mentioned.

Governor to
grant license.

3. If any vessel be chartered for the introduction of immigrants into this Colony, at any place out of the Colony, such license may be granted by any British consul, agent, or emigration agent, at or near such place, whom the Governor shall authorise to grant the same; and every such license shall be granted under such conditions as the Governor may direct.

Licenses out of
the Colony, how
granted.

4. [* * * *]

Vide Law 15,
1871, § 1.

5. Every license to be granted under the provisions hereof, shall be limited to and be in force for a single voyage [* *]; and shall specify the place whence the immigrants are to be procured, and where they are to be brought; and shall state therein the estimated cost of such introduction of each immigrant; and shall include such conditions and regulations as the Governor may deem necessary and proper for the collection and conveyance of immigrants.

Term and condi-
tions, &c., of
license.

Vide Law 15,
1871, § 1.

6. Provided always, that no such license be issued until the master, owner, or agents of such vessel,—[* * * *] — enter into a bond, with two responsible sureties, resident in this Colony, for the due performance of the conditions and regulations in such license contained and specified.

Bond to be
entered into.

Vide Law 15,
1871, § 1.

7. In the event of any immigrants being introduced into this Colony, or being brought into any harbour or roadstead thereof, without a previous license being obtained therefor as aforesaid, or without the conditions being fulfilled under which such license, if obtained, shall have been granted, the master, owner, and agent of the ship [* * * *], respectively, shall, for every immigrant introduced or brought as aforesaid, be liable to a fine not exceeding fifty pounds, or to be imprisoned for a period not exceeding three months.

Penalty for
introducing im-
migrants with-
out license.

Vide Law 15,
1871, § 1.

8. In the event specified in the preceding section, it shall moreover be lawful for the Governor to prevent any such immigrants or intended immigrants from being landed or introduced in any part of the Colony; and in case any of them should be so landed or introduced, it shall be lawful for him to direct measures to be taken, at the expense of the owner, agent, or master of the ship [* * * *], for having them sent back to the place from which they were taken.

Immigrants so
introduced may
be sent back.

Vide Law 15,
1871, § 1.

9. Provided, that if the Governor shall allow such immigrants to land, or remain in the Colony, they shall not be competent to enter into contracts of service for a longer period than three years.

If landed, period
of service limited.

10. On the arrival of any vessel at Natal with immigrants or intended immigrants, after such vessel shall have received pratique; [* * * *], when they shall arrive at

Protector of
Immigrants to
certify fulfilment
of conditions;

Vide Law 15,
1871, § 1.

Immigrants.

the depot, the Protector of Immigrants shall repair on board such vessel, or visit such depôt, and ascertain, as far as possible, by personal inspection and examination, whether the provisions of this Law, and of any regulations to be framed in virtue hereof, and the conditions and regulations of the license, where such license shall have been obtained, shall have been duly complied with; and if he shall be satisfied that such is the case, he shall, without delay, grant a certificate to that effect.

Or report to
Governor.

11. If he shall not be satisfied thereof, he shall immediately report the matter to the Governor, under whose direction such certificate shall be granted or withheld, as to him may seem fit.

Immigrants to
be delivered to
Protector of
Immigrants.

Vide Law 15,
1871, § 1.

12. As soon as practicable after the said certificate, if granted, shall be obtained, the master of the vessel shall land such of the immigrants thereon as are intended for introduction into the Colony; and the said master [* * * *], shall deliver them to the Protector of Immigrants, together with a sufficient quantity of good and wholesome provisions for their maintenance, during the space of forty-eight hours next after their landing, or delivery at the emigration depot.

Contracts of
service.

13. All such immigrants shall, except as hereinafter provided, remain under the charge of the Protector of Immigrants, until they shall have procured employment; and no contract of service shall be entered into with any immigrant arriving in this Colony, until after he shall have been forty-eight hours on shore, and after certificate granted, and until he shall have obtained from the Protector of Immigrants a ticket of registration, as hereinafter provided. Every contract of service made before that time shall be null and void, to all intents and purposes.

Register of Im-
migrants.

Tickets.

14. The Protector of Immigrants shall keep a separate register, in the form of the Schedule A, hereunto annexed, for the immigrants introduced into the Colony under the provisions of this Law. A ticket shall also be given to each of such immigrants, in the form of the Schedule B, hereunto annexed, in which shall be specified the period for which the said immigrant is competent to engage.

Tickets, how to
be issued.

15. It shall not be lawful for the said Protector to issue any ticket to such immigrant, unless proof shall have been previously given to him that the person desiring to engage such immigrant has paid or satisfied the master, owner, or agent of the vessel in which the said immigrant was brought [* * * *]

Vide Law 15,
1871, § 1.

* * *] for the passage-money, and all other expenses, due in respect of such immigrant, as the same shall be paid in manner hereinafter provided; or unless the said master, owner, or agent [* * * *], shall consent to

Vide Law 15,
1871, § 1.

such ticket being issued. But provided that the said Protector shall be entitled, and on application thereupon shall be bound, to issue a ticket authorising an engagement for any period not exceeding three years, to any immigrants who shall have been allowed to land, or remain in the Colony, in terms of the 7th section hereof, or who shall have been under charge of the said Protector as aforesaid, for any longer period than fourteen days, without having been engaged in terms of the preceding sections,

Immigrants.

16. In case any person shall have made arrangements with the master, owner, or agent of any vessel, or with any agent, for the introduction of immigrants by sea [* * *], with a view to their engagement with himself, in terms of this Law, and in case of any of the immigrants introduced in consequence of such arrangement, shall be induced to engage with another person, such other person shall, in addition to the passage-money, and all other expenses payable as aforesaid, on account of the immigrants so to be engaged by him, and previous to the issuing of a ticket as aforesaid, pay to the Protector twenty-five per cent. on the amount thereof, which twenty-five per cent. shall be paid by the Protector to the person by whom the aforesaid arrangement for the introduction of immigrants shall have then been made. Provided, that previous to the departure of the vessel from the Colony, for the purpose of bringing such immigrants, if the vessel shall be chartered there, or from any other place where she shall be chartered for the said purpose [* * *]

Person introducing immigrants to receive compensation if they enter into contract with some other person.
Vide Law 15, 1871, § 1.

Vide Law 15, 1871, § 1.

[* * *] such person shall have transmitted to the Protector of Immigrants a certificate, signed by himself, and by the master, owner, or agent of the vessel [* * *], or his agent, as nearly as may be in the form of schedule C, hereunto annexed; and also provided, that the said Protector shall be satisfied, from entries in the ship's books, or any other evidence, that the immigrants, in respect of whom the twenty-five per cent. shall be claimed, were embarked or collected under the said arrangement, on account of the person claiming the same.

Vide Law 15, 1871, § 1.

17. The passage money and expenses aforesaid shall in no case be a debt recoverable from the immigrant, but shall be paid by the master with whom any such immigrant may first enter into a written contract of service.

Expenses, from whom recoverable.

18. The master of any vessel by which immigrants shall have been brought to Natal, who shall not have furnished to such immigrants during the voyage a sufficient quantity of good and wholesome provisions and water; or who shall in any way have abused or ill-treated any such immigrant while on board his vessel, shall incur a penalty not exceeding fifty pounds, and in default of payment shall be imprisoned for a period not exceeding twelve months, which punishment may be inflicted cumulatively, and may be doubled in aggravated cases, as well as on a repetition of the offence.

Penalty for ill-treatment, &c., during the voyage.

19. [* * *]

Vide Law 15, 1871, § 1.

20. Any person who shall unlawfully detain any immigrants, one or more, against their will, in any place within the Colony, shall incur a penalty not exceeding fifty pounds for every such immigrant, and another penalty of five pounds for each month beyond the first month during which such detention may have been continued, and in default of payment shall be imprisoned for a period not exceeding two years.

Penalty for unlawful detention.

21. The provisions of Ordinance No. 2, 1850, entitled, an "Ordinance for regulating the relative rights and duties of Masters,

Ordinance No. 2, 1850, applicable under this Law.

Immigrants.

SCHEDULE B.

Ticket of Immigrant.

1. Name of Immigrant.
2. Number.
3. Name of { Father.
Mother.
4. Sex.
5. Age.
6. Stature.
7. Marks.
8. Caste.
9. Native country and village.
10. Name of vessel and captain by which introduced.
11. Whether accompanied by children, and if so, their names, sexes, and ages.
12. Time during which competent to engage.
13. Remarks.

Protector of Immigrants.

SCHEDULE C.

We, A. B. (*designation*), and C. D., master (*or owner or agent*) of the (*name of vessel*) of (*port of registry*) certify that an arrangement was, on the day of 18 , entered into between (*mention by whom arrangement made*) for the introduction into this Colony, in the said vessel, of (*mention number*) male, and (*mention number*) female immigrants, on account of the said A. B.

A. B.

C. D.

The above certificate deposited in my office, this
day of 18 .

E. F.,

Protector of Immigrants.

Given at Government House, this 21st day of June,
1859.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 14, 1859.

Law to provide for the Introduction of Coolies into this Colony at the public expense, and for the regulation and government of such Immigrants.

Repealed by Law No. 2, 1870, § 1.

Transfers of Land in certain Cases.

LAW No. 15, 1859.

Law to enable persons to introduce, at their own expense, Immigrants from India.

Repealed by Law No. 2, 1870, § 1.

LAW No. 16, 1859.

(Signed) J. SCOTT.

Law to enable the Supreme Court to order Transfer of Land to be made in Certain Cases.

Preamble.

WHEREAS, many persons who have acquired lands in this Colony are now unable without much inconvenience and expense to obtain legal and valid title to the same, by reason of the absence from the Colony, death, or insolvency of the parties from whom such lands were acquired, and it is expedient to make provision by law in this respect:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Petition to
Supreme Court.

1. Any person claiming title to or transfer of any land in this Colony from or through any person who, by reason of absence from the Colony, death, or insolvency is unable to give such title or transfer, may petition the Supreme Court of Natal to order such title to or transfer of such land to be made to the petitioner.

Evidence called
for by Supreme
Court.

2. The said Supreme Court may direct such inquiry by the examination of witnesses on oath, either before the said Court or any Commissioner by them appointed on that behalf, or require the petitioner to adduce such proof as to it may seem necessary, and may also order such public notices in regard to any such claim to be given in the *Government Gazette*, or in all or any one of the other local newspapers, as circumstances may require.

Penalty for not
attending, or
refusing to give
evidence.

3. Any person duly subpoenaed to give evidence before the said Court, or any Commissioners appointed in that behalf as aforesaid, shall, if he fail to attend without good and valid excuse, be liable to all and the like penalties as a witness in contempt as to the ordinary process of the Court in any suit or action depending therein; and if attending, and refusing to be sworn or give evidence, to the full penalties to which such witness would be liable if so refusing in any ordinary suit before the Court.

Supreme Court
may order trans-
fer.

4. The said Supreme Court may, if proof to its satisfaction appear, make an order upon the Registrar of Deeds, directing the transfer of any such land from the original grantee direct to the petitioner, or from any transferee between the original grantee and the petitioner direct to the petitioner.

Dues payable by
petitioner.

5. The petitioner shall be liable to pay the transfer dues to Government on each and every intermediate sale or transaction in

Transfers of Land in certain Cases.

regard to such land between himself and the original grantee, as well as the transfer dues in respect of the sale or transaction in virtue of which he claims title or transfer.

6. In every case in which any transfer is claimed under this Law, if it shall appear that the land so claimed is duly mortgaged, the said Supreme Court shall in its order for transfer direct that the said transfer shall be subject to such mortgage and the interest thereon, unless the petitioner will pay the amount thereof and the interest due thereon to the Master of the said Court, for and on account of the mortgagee.

Transfer subject to mortgage.

7. The said Court may, if any petition appear unfounded or unsupported by evidence, dismiss the same: Provided always, that such dismissal shall not bar any subsequent application by the same petitioner in respect to the same land.

Petition may be dismissed.

8. The same fees of Court shall be paid for business under this Law as are payable by any other suitor in the said Supreme Court.

Fees of Court payable.

9. The same fees as in any ordinary transfer shall also be payable for transfers under this Law.

Fees for transfer.

10. Any petitioner may himself conduct the prosecution of his petition before the Court.

Petitioner may conduct his own case.

11. Any person having any interest, direct or indirect, in, or any person in any wise representing the person in whose name such property stands registered at the time of filing the petition, may if he thinks fit oppose the granting of an order of transfer under this Law.

Petition may be opposed.

12. The terms, "between the original grantee and the petitioner," in the fourth section of this Law, shall be taken to mean and include any transfer from the original grantee to some person deriving title by transfer from the original grantee, or any person deriving title by transfer from such last-mentioned person, and all subsequent transfers prior to the sale or transaction in virtue of which the petitioner claims title.

Explanation of terms.

13. The terms, "between himself and the original grantee," in the fifth section of this Law shall be taken to mean and include every sale or transaction in regard to the land to which the petitioner seeks to obtain transfer which shall have occurred prior to the sale or transaction in virtue of which the petitioner claims transfer, and on which no transfer dues have been already paid.

Ditto.

14. Nothing in this Law contained shall be deemed to deprive any such petitioner of any right he may possess of recovering by ordinary process of law any quitrent, transfer dues, or other money paid by him under this Law for the purpose of proving title, and to which otherwise he would not be personally liable.

Sums paid and recoverable by petitioner.

15. This Law shall commence and take effect from and after the promulgation of Her Majesty's confirmation thereof.

Commencement of Law.

Given at Government House, this 21st day of June, 1859.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Law of Evidence.

LAW No. 17, 1859.

(Signed) J. SCOTT.

Law to regulate the Law of Evidence in the Colony of Natal.

Preamble.

WHEREAS, it has been the practice in the Courts of this Colony to follow the English rules of evidence: and whereas, it is desirable to declare the rules of evidence for this Colony more definitely:

Be it therefore enacted, by the Governor of Natal, with the advice and consent of the Legislative Council thereof, that:

English law of
evidence recog-
nised.
Vide Law 13,
1862.

1. The known general rules and the exceptions to such rules, recognized in the English Law of Evidence, whether under Common Law or by statute now in force in England, shall be in like manner respectively recognized in the Law of Evidence in this Colony on the following points, that is to say:

- (a) The privilege of communications between any person and his professional legal advisers.
- (b) The admission, in criminal cases, of proof of a confession of the person indicted, or any accomplice.
- (c) The number of witnesses in any case, civil or criminal, requisite or sufficient for a verdict.
- (d) Inadmissibility of matter irrelevant to the issue.
- (e) Evidence as to character of any party to any case, or of any prosecutor, or of any person injury to whom is a ground of any prosecution.
- (f) The effect of admissions, whether on or extrinsic to the record or pleadings.
- (g) The best evidence, and its being required.
- (h) Admissibility and proof of state documents and documents of a public nature, and judicial proceedings and legal documents deposited in foreign or otherwise external Courts.
- (i) Admissibility, in civil cases, of evidence of a person then deceased or absent given in another case.
- (k) Admissibility, in criminal cases, of depositions taken in a preliminary examination.
- (l) Inadmissibility of hearsay evidence.
- (m) Evidence of common reputation or tradition.
- (n) Admissibility of statements commonly known as dying declarations.
- (o) As to option of witnesses answering what may in any way affect themselves or their wives or husbands criminally, and subsequent using of the evidence, if given, unless either case be specially provided for in this Law.
- (p) Inadmissibility of or right to withhold evidence on principle of the requirements of public policy.
- (q) Impeaching character or credibility, or testing memory of witnesses.
- (r) Allowing in evidence, or to be used in Court, memoranda, entries, books of account, histories, genealogies, maps, or the like,

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- (s) Evidence in trials for treason or misprision of treason.
- (t) Registry of vessels, and certificates and declarations in respect thereof.
- (u) The respective provinces of the Court and jury relative to evidence.
- (v) The respective provinces of direct, cross, and re-examination.
- (w) Extrinsic evidence explanatory of, supplemental to, or at variance with any document.
- (x) Presumptions, and presumptive and circumstantial evidence.
- (y) Mercantile usage or custom of trade.
- (z) Any matter connected with the law of evidence, and not by this Law specially provided for.

2. Every person shall, in any proceeding in any Court of Justice, be competent and compellable to give evidence, subject to the foregoing rules of evidence and to the following exceptions, that is to say :

All persons bound to give evidence.

Vide Law 13, 1862, § 3 ; and Law 5, 1870.

- (a) No person shall be competent or compellable to give evidence for or against himself or herself in any criminal proceeding in which he or she is charged with the commission of any indictable offence, or any offence punishable on summary convictions ; but this exception is not to exclude any confession otherwise admissible.
- (b) In no criminal proceeding shall the husband of a woman charged therein or thereby be competent to give evidence for or against her ; and so, in like manner, as to the wife of a man charged in or by any criminal proceeding ; unless, in either case, the offence charged be an injury to the person of the husband or wife of the party charged.
- (c) [Repealed by Law No. 5, 1870, § 1.]
- (d) No person who shall clearly appear, or shall to the satisfaction of the Court be proved to be then afflicted with idiocy, lunacy, or other insanity, or labouring under imbecility of mind arising from habitual or then actual intoxication, or otherwise whereby he is deprived of the proper use of reason, shall, while under the influence of any such malady or disability, be competent to give evidence in any proceeding.
- (e) No child who by reason of tender years is ignorant of the obligation of an oath shall be competent to give evidence in any proceeding.

Vide Law 5, 1870, § 4.

3. All persons, save as hereinafter excepted, who give evidence shall do so upon oath, that is to say: the form in which they are sworn shall contain an appeal to Almighty God in these words, " So help me, God ! " or " So help you, God ! " or equivalent words ; but the action in taking the oath, whether holding and kissing the Bible or the Old or New Testament, or holding up the hand or otherwise, may be according to the use and option of the person to be sworn ; and such shall be sufficient action in taking the oath.

Evidence to be given on oath.

Law of Evidence.

4. [Repealed by Law No. 5, 1870, § 5.]

5. [Repealed by Law No. 13, 1862, § 1.]

Accomplice
giving exact
evidence becomes
exempt from
prosecution.

6. If on the trial for any offence any accomplice in respect of such offence shall be examined as a witness on the part of the prosecution, and shall answer to the satisfaction of the Court the questions put to him while under examination, such accomplice shall not be liable to be thereafter prosecuted or tried for such offence; and an entry of such accomplice having been so examined and having so answered may be made by order of the Court on the record in the case wherein there was such examination; and such entry, purporting to be by order of the Court, and to be signed by an officer of the Court, shall be evidence of the matters therein stated. Such entry may be in this form:

“ By order of the Court, entry is here made that
“ was, on the , examined on the trial of
“ this case, and answered to the satisfaction of the Court
“ the questions put to him while under such examination.

“ (*Signature, and Office of Signer.*) ”

Evidence of
accomplice not
admitted against
himself.

7. If any such accomplice, on being so examined, shall not so answer to the satisfaction of the Court, and shall therefore be liable to prosecution or trial for the offence, still no evidence which shall have been given by him when so examined shall be given in evidence against him on such his trial.

Copy of docu-
mentary evi-
dence admissible.

8. Whenever any record, indictment, pleading, affidavit, judgment, decree, order, conviction, or other document deposited in any Court of Justice in this Colony shall be required in evidence in the same or any other Court of Justice in this Colony, any document certified to be the original or a true copy or true extract, and such certificate, purporting to be signed by the Registrar or Clerk or other officer or person having the custody of the original in the Court where the same shall be deposited, shall be evidence of such original, or of the alleged extracted part thereof.

Attestation of
document by
seal, stamp, &c.

9. Whenever any seal, stamp, signature, or certificate does or shall render admissible in evidence any certificate as to any matter occurring in this Colony, or any official or public document in or of this Colony, or document or proceeding of any corporation or joint-stock or other company in or of this Colony, or any copy made in this Colony of any document, by-law, entry in any register or other book, or of any other proceeding, the fact of their being impressed or written on the document, proceeding, or copy produced, or some part thereof, what purports to be the requisite seal, stamp, signature, or certificate shall, unless the contrary be shown, be deemed proof of what shall be so impressed or written being what is so purported by it.

Certified ex-
tracts.

10. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, any copy thereof or extract therefrom respectively shall be admissible in evidence, provided it be proved to be an

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examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the officer or person to whose custody the original is entrusted; and which officer or person is hereby required to furnish such certified copy or extract at a reasonable interval to any person applying at proper time for the same, upon payment of the sum usual for the like; or, if there shall not be any sum usual in respect thereof, then on payment of a sum not exceeding fourpence for every folio of ninety words, or fractional part of such folio.

11. If any officer or other person authorised or required by this Law to furnish any certified originals, copies, or extracts shall wilfully certify any document as being an original or a true copy or extract, knowing that the same is not the original or a true copy or extract as the case may be, he shall be guilty of a criminal offence, and be liable on conviction to imprisonment for a period not exceeding eighteen months.

Punishment for
false certificate.

12. Nothing herein expressed shall affect any Law now in force in this Colony whereby documents or copies of documents, or extracts therefrom, certified, attested, or verified in any form or manner are admissible in evidence.

Existing laws as
to documentary
evidence admis-
sible.

13. Nothing herein contained shall affect the admissibility of any examination under a commission issued by order of any Court or Judge having jurisdiction for such purpose, or taken under any Ordinance or Law passed in and for this Colony and now in force, or taken before or by the order of any Court or Judge having jurisdiction for such purpose, and in order that the same may be used in evidence.

Examination by
order of Court,
&c.

14. Whenever and wherever there shall be by Law or consent of parties authority to hear, receive, or examine evidence, there shall also be such authority to administer an oath, affirmation, or declaration to the witnesses appearing to give evidence as there would be if the case were pending in any superior Court; and such oath, affirmation, or declaration shall be subject to the like liabilities as if taken or made in a case pending in any superior Court.

Authority to
administer oaths,
&c.

15. Whenever any seal, stamp, or signature shall if affixed to any document render the same or be a material element towards rendering the same admissible in evidence, then, if any person shall forge or fraudulently affix such seal, stamp, or signature for the purpose of rendering any such document admissible in evidence, or shall fraudulently tender in evidence any such document with a false or counterfeit or fraudulently affixed seal, stamp, or signature thereto, knowing the same to be so false or counterfeit or fraudulently affixed, such person shall be guilty of the crime of forgery or falsity. And whenever any such document, having such a false or counterfeit or fraudulently affixed seal, stamp, or signature shall have been tendered in evidence, the Court or person before whom such document shall have been so tendered may, of his own authority, or at the request of any party against whom the same was so tendered, direct that the same shall be impounded, and kept in the custody of some officer of the Court or other proper person for such period and purpose and subject to such conditions as to the said Court, or other person so directing shall seem meet.

Crime of frau-
dently sealing,
stamping, &c.

Document
falsely sealed,
&c., may be
impounded.

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Proof of document.

16. Any instrument to the validity of which attestation is not requisite may though attested be proved as it might be if there were no attesting witness thereto.

Disputed writings examined.

17. Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be genuine shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same may be submitted to the Court and Jury (if any) as evidence of the genuineness or otherwise of the writings in dispute.

Repeal of former Laws.

18. The Ordinance No. 19, 1845, and the Ordinance No. 14, 1846, are hereby repealed.

Commencement of Law.

19. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

Schedule:

SCHEDULE.

CERTAIN ENACTMENTS OF ENGLISH ACTS OF PARLIAMENT BEARING UPON PARTS OF THE FIRST SECTION OF THIS LAW, AND SET OUT HERE FOR CONVENIENCE OF REFERENCE.

14 & 15 Vict. c. 99, §§ 7 and 11.

§ 7.—All proclamations, treaties, and other Acts of State of any Foreign State or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in any Foreign State or in any British Colony, and all affidavits, pleadings, and other legal documents filed or deposited in any such Court, may be proved in any Court of Justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence, either by examined copies or by copies authenticated as hereinafter mentioned, that is to say:—if the document sought to be proved be a proclamation, treaty, or other Act of State, the authenticated copy, to be admissible in evidence, must purport to be sealed with the seal of the Foreign State or British Colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or Colonial Court, or an affidavit, pleading, or other legal document filed or deposited in any such Court, the authenticated copy, to be admissible in evidence, must purport either to be sealed with the seal of the Foreign or Colonial Court to which the original document belongs; or, in the event of such Court having no seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his

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signature a statement in writing on the said copy that the Court whereof he is Judge has no seal: but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence without any proof of the seal, where a seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

§ 11.—Every document which by any Law now in force or hereafter to be in force is or shall be admissible in evidence of any particular in any Court of Justice in England or Wales or Ireland without proof of the seal or stamp or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same, shall be admitted in evidence to the same extent and for the same purposes in any Court of Justice in any of the British Colonies, or before any person having in any of such Colonies by law or by consent of parties authority to hear, receive, and examine evidence, without proof of the seal or stamp or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

Merchant Shipping Act, 1854 (17 & 18 Vict., c. 104),
§§ 107 and 526.

§ 107.—Every register of or declaration made in pursuance of the second part of this Act in respect of any British ship may be proved in any Court of Justice, or before any person having by law or by consent of parties authority to receive evidence, either by the production of the original or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the Registrar or other person having the charge of the original; which certified copies he is hereby required to furnish to any person applying at a reasonable time for the same upon payment of one shilling for each such certified copy; and every such register or copy of a register, and also every certificate of registry of any British ship purporting to be signed by the Registrar or other proper officer, shall be received in evidence in any Court of Justice, or before any person having by law or consent of parties authority to receive evidence, as *prima facie* proof of all the matters contained or recited in such register when the register or such copy is produced, and of all the matters contained in or endorsed on such certificate of registry, and purporting to be authenticated by the signature of a Registrar, when such certificate is produced.

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§ 526.—Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

*Common Law Procedure Act, 1854 (17 & 18 Vict. c. 125),
§§ 22, 23, 24, and 25.*

§ 22.—A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character; but he may, in case the witness shall in the opinion of the Judge, prove adverse, contradict him by other evidence; or, by leave of the Judge, prove that he has made at other times a statement inconsistent with his present testimony: but before such last-mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

§ 23.—If a witness, upon cross-examination as to a former statement made by him relative to the subject-matter of the cause, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did, in fact, make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

§ 24.—A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the cause without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: Provided always, that it shall be competent for the Judge, at any time during the trial, to require the production of the writing for his inspection; and he may thereupon make such use of it for the purposes of the trial as he shall think fit.

§ 25.—A witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanour; and, upon being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction: and a certificate, containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the Clerk of the Court, or other officer

Law of Evidence.

having the custody of the records of the Court where the offender was convicted, or by the deputy of such Clerk or officer (for which certificate a fee of five shillings and no more shall be demanded or taken) shall, upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

Given at Government House, this 21st day of June,
1859.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 18, 1859.

*For applying a sum not exceeding £45,148 2s. 6d. for the service of
the year 1860.*

LAW No. 19, 1859.

Law for levying certain Duties of Customs in the Colony of Natal.

Repealed by Law No. 13, 1863, § 1.

LAW No. 20, 1859.

For making further provision for the service of the year 1860.

PRIVATE LAW.

Law for incorporating the Natal Bank.

Repealed by Law No. 9, 1874, § 1.

Natal Railway.

PRIVATE LAW.

(Signed) J. SCOTT,

*Vide Law, 3rd
Aug., 1863.
Preamble.*

Law for the Incorporation of the Natal Railway Company.

WHEREAS it would be advantageous and desirable for the interests of the commerce of the Colony that a Railway should be constructed, for the conveyance of passengers, goods, and merchandise, from the Custom House, at the Point, near Durban, to the town of Durban:

And whereas, certain persons have agreed to form a Company for the construction of such Railway, and various other works accessory to such main object, and for the conveyance of passengers, goods, and merchandise thereon, and have further agreed to raise a capital of £10,000, in shares of £10 each, for the construction of such Railway; and the subscribers thereto have, by a certain deed of arrangement, and articles of co-partnership, bearing date the First day of March, 1859, declared the purposes of the said Company, and made, entered into, and determined on certain regulations, stipulations, and agreements, for the management of the affairs of the said Company, the appointment and election (from time to time) of directors, declaring their duties and powers, providing for the calling and declaring the powers of general meetings of shareholders, and containing such other clauses and provisions as are usual in the deeds of settlement of public companies of a similar nature in England:

And whereas, three-fourths of the shares into which the capital of the said Company is divided, have been subscribed for, and a deposit or first instalment of £2 10s. per share has been paid up on each of the shares so subscribed for, and the said deed of arrangement has been duly executed by the present shareholders of the said Company, or by their duly authorised agents:

And whereas, the present shareholders in the said Company, being either originally such, or having become such by the purchase of shares from original shareholders, have applied for a Law, or Charter of Incorporation, for the purpose of limiting the liability of the shareholders in the said Company, and to confer on the said Company such powers and authorities as are hereinafter contained, to enable the directors thereof to carry into execution the objects and purposes for which it has been formed:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

*Persons forming
the Company.*

1. That William Smerdon, George Henry Wirsing, Henry Milner, Robert Acutt, Adolph Coqui, James Proudfoot, Edward Snell, Joseph Henderson, Jonas Bergtheil, and Carl Behrens (who have been elected Directors of the Company), George Christopher Cato, and the said James Proudfoot (who have been elected Trustees of the said Company), Hugh Gillespie and Augustus M. Barnes (who have been elected Auditors of the said Company), and William Henry Addison, William Hayes Acutt, Joseph Adlam, Philip Allen, John William Akerman, Robert Anderson (Surveyor), John

Natal Railway.

Brown, J. Bromwich, Samuel Francis Beningsfield, William George Baker, David Dale Buchanan, James T. Button, Thomas G. Browne, Francis Bell, Robert J. Barns, Johannes Christoffel Boshof, Samuel Button, Edwin James Challinor, Samuel and Benjamin Crowder, John Lake Crompton, Joseph Samuel Colborne, Edward Ross Dixon, Joseph De Kock, Henry Dunning, De Kock and Bresler, James Evans, James Ellis, Alexander Rhind Forbes, Joseph Few, John Fleming, Mark Foggitt, Philip Ferreira, George Goodwin, Samuel William Bill Griffin, John Gavin, James Gillespie, John Hunt, William Clayton Humphreys, Paul Henwood, J. K. Harrison, Thomas Heys, Thomas M. Harvey, Martin Hirsch, Thomas Jacques, Alexander Jacques, William James, Robert William James, Joachim Frederic Kahts, John King, Landsberg, Hoffmann, and Co., Robert Lindsay, Joseph Mason, William Martin, Charles Washington Mayne, William Henry Middleton, Didelof L. Maree, James Black Miller, Alexander M'Arthur, W. E. Oates, James Pulleyn, James Player, Savery Pinsent, James Pitcher, John Russom, Albert Robinson, Samuel Walter Rowse, George Robinson, James Raw, Frans Roos, William Henry Savory, Surtees, Robinson, and Browne; Peter Cormack Sutherland, James Renault Saunders, David Hainsworth Tarboton, George Thomson, Edward Tomlinson, Richard Vause, J. D. Witherspoon, Joseph Wheeler, Samuel Williams, George Winder, John Otto Wirsing, George Henry Wathen, Frans M. Wolluter, James William Winter, George Wilson, Alfred Samuel White, and Pieter Hans Zee-derberg, and their successors, heirs, executors, administrators, and assigns, or such of them as shall be, from time to time, possessed of any shares, as hereinafter provided, and their successors, heirs, executors, administrators, and assigns shall be, and they are hereby united into a Company, for the carrying on, completing, and maintaining the said intended Railway, according to the powers, rules, orders, and directions hereinafter set forth and expressed for that purpose, and shall be one body politic and corporate, by the name of "The Natal Railway Company," and as such shall have perpetual succession. And, by that name, shall sue, and be sued, and appear in all courts of this Colony; and shall have and use a common seal with the name of the Company thereon.

Company to be a body corporate, and styled the "Natal Railway Company."

2. The said Company shall be, and they are hereby authorised and empowered, by themselves, their deputies, agents, officers, and workmen, to make, complete, and maintain a Railway with proper works and conveniences adjoining thereto, or connected therewith, for the passage of wagons and other carriages, to be propelled by steam engines, or other motive power, on or immediately adjoining the land delineated on the plan to be amended in accordance with this section, and described in the book of reference deposited with the Clerk of the Peace for the county of Durban. The said Railway commencing from or near the Custom House at the Point, near Durban, and terminating on the Market Square of the town of Durban.

Company to construct and maintain a railway,

From the Point to Durban.

3. The Company are hereby empowered to enter lands of any person or persons whomsoever, and to survey and lay out the same, and to purchase and hold, to them and their successors, either absolutely, or for a term of years, or to purchase, and have and exercise

Rights of the Company in the construction of the work.

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such right of way and other servitudes over such land, either in perpetuity or for a term of years, as they are hereby empowered to take for making the said Railway ; and to appropriate and use the same for the purposes herein mentioned ; and on such land to bore, dig, cut, trench, and embank, and also to remove, lay, and use, any earth, clay, stone, soil, trees, roots, sand, gravel, or other material, which may be gotten for making such Railway ; and also to build, set up, and excavate in, under, or upon the land so taken for such Railway, so many embankments, bridges, piers, arches, cuttings, and tunnels, for passing over, through, or under, any roads, streets, hills, valleys, rivers, or other waters ; and to alter the course of any waters as may be necessary for completing bridges, cuttings, or passages over, through, or under the same respectively ; and also to erect and maintain such and so many houses, warehouses, toll-houses, wharves, jetties, landing places, weighing beams, cranes, steam engines, and other works and ways as the Company think necessary ; and also at their pleasure, and when and as they shall think proper, to lay down and maintain tramroads to connect the said terminus at, or immediately adjoining, the Market Square of the town of Durban, with all or any of the streets of that town, for the passage of wagons or other carriages, over the same, to be drawn by horses, oxen, or other animals, or subject, as hereinafter provided, to be propelled by steam engines ; and also to work, manufacture, place, and lay the materials necessary for making the said Railway and the works thereof, on the lands or grounds adjoining to the place where such works are intended to be done, erected, and placed ; and also to make and repair any fences, or passages over, through, or under the land so empowered to be taken ; and also to make conduits or drains into, through, or under any such lands, roads, or streets, for the purpose of conveying water from or to the said Railway ; and to construct, make, and do all other works, matters, and things necessary for completing the Railway, and the works thereof, according to the true meaning and intent of this Law ; they, the said Natal Railway Company, their deputies, agents, officers, and workmen doing as little damage as may be in the execution of the powers to them hereby granted, and making full satisfaction and compensation, in manner hereinafter directed, to the owners of the several lands for the several damages thereby sustained.

Proprietors of shares liable only for the amount of their shares.

4. That, when and as soon as the whole of the instalments on any share of the said Company shall have been called for, and fully paid up, the proprietor of such share, so fully paid up, shall not be liable, under any circumstances, for or by reason of any judgment, decree, or order, which may be obtained against the said Company, or for any debt or engagement of the said Company ; and the proprietor of any share not fully paid-up shall be liable in execution, under and by virtue of any judgment, decree, or order, against the said Company for any such debt or engagement or otherwise, only in and to the amount unpaid on his share or shares.

Office of trustees to cease.

5. From and after the passing of this Law, the persons nominated to act as trustees of the Company shall cease to act as such, and the property then held by them in trust for the Company shall be vested

Natal Railway.

in the Company, and the office of trustee in the Company shall cease. And all contracts heretofore entered into with them by the shareholders individually, or other persons, may be enforced, and the unpaid calls on the shares, held by such shareholders respectively, shall be recoverable against them by action at law by the Company by their name of incorporation.

6. The directors shall be, and they are hereby authorised, to borrow on mortgage bond such sums of money as shall, from time to time, by an order or resolution of a meeting of the shareholders, duly convened for that purpose, be authorised to be borrowed. And for securing the repayment of the money so borrowed with interest, to mortgage and charge all the immoveable and moveable property belonging and to belong to the said Company, including the future calls still unpaid on the said shares respectively (if expressly stated in such mortgage bonds), and all the receipts of the Company from tolls or otherwise. Provided, that the total amount of the moneys raiseable by the ways and means aforesaid, and due by the said Company, at any one time, shall not exceed one-third of the then paid-up capital of the said Company; and provided that no such moneys shall be raiseable in manner aforesaid until one-half of the capital shall have been paid up.

Loans on mortgage.

7. If, after having borrowed any part of the money authorised to be borrowed to the extent last aforesaid, the directors pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time. But such power of re-borrowing shall not be exercised without the authority of a general meeting of the said Company, duly convened as aforesaid, unless the money be so re-borrowed in order to pay off any existing mortgage bond.

Loans renewed by authority of general meeting.

8. The Resident Magistrate for the county of Durban is hereby authorised and required, on the production to him of the books of the Company, and of such other evidence, if any, as he shall think sufficient in proof of the amount that shall, from time to time, have been paid up on the shares of the said Company, to grant his certificate of the said amount paid up at the date of such certificate; and such certificate, together with a copy of the order or resolution of such general meeting of the said shareholders authorising the borrowing of any money, certified by one of the directors and the secretary, for the time being, to be a true copy, shall be filed with the Registrar of Deeds of this Colony; and shall be sufficient evidence of the fact of the amount of capital required to be subscribed having been so subscribed or paid up; and of the order or resolution for borrowing money to the extent thereby fixed having been made.

Resident Magistrate to certify amount paid on shares.

9. Every mortgage bond, for securing money borrowed by the said Company, shall be executed before the Registrar of Deeds, by the attorney, or substituted attorney, of the Company, duly authorised by power of attorney under the common seal of the Company, to be affixed by resolution of the directors at any one of their meetings; and such bonds shall each of them be for the sum of £50 sterling; and such bonds shall be numbered from No. 1 upwards, in numerical progression, as the same are executed and passed, and shall be registered, together with all the cessions or transfers of any such bonds, in a book kept for that purpose by the said Company; and

Certificate and resolution authorising loan to be filed with Registrar of Deeds.

Mortgage bonds, £50 in amount.
Vide Law 3rd Aug., 1866, § 6.

To be numbered,

And registered;

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And, if paid off,
cancelled by
Registrar of
Deeds.

as and when any such bonds have been paid off and satisfied, and cancelled by the Registrar of Deeds, such cancellation, and the date thereof, shall be entered and registered in the said book ; which book shall, at all reasonable times, be open to the inspection of all the bondholders and shareholders of the said Company, free of charge.

Rights of mort-
gagees.

10. The respective mortgagees shall be entitled, one with another, to their respective proportions of the tolls, sums, and premises comprised in such mortgage bonds, and of the future calls payable by the shareholders, if comprised therein, according to the number of such mortgage bonds respectively held by them ; and to be repaid the sums so advanced, with interest, without any preference one above another, by reason of the priority of the date of any such mortgage bond, or of the meeting at which the same was authorised.

Bonds not to bar
calls on share-
holders.

11. No such mortgage bond, although it should comprise future calls on the shareholders, shall, unless expressly so provided, preclude the directors from receiving and applying to the purposes of the Company any calls to be made on the shareholders.

Interest on mort-
gage bond.

12. The interest of the money borrowed upon any such mortgage bond shall be paid at the periods appointed in such mortgage bond ; and if no period be appointed, shall be paid half-yearly to the several persons entitled thereto, and in preference to any dividends payable to the shareholders of the Company.

Periods for re-
payment of loans.

13. The directors of the said Company may, if they think proper, subject to the directions of such general meeting authorising the borrowing of any money, agree with the person or persons advancing the same, fixing a period for the repayment of the principal money so borrowed, with the interest thereof ; and, in such case, the period so fixed shall be inserted in the mortgage bond ; and on the expiration of such period, the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled thereto ; and if no other place of payment be inserted in such mortgage bond, such principal and interest shall be payable at the principal office or place of business of the Company.

Amount of loans
may be de-
manded or paid
off after notice
given.

14. If no time be fixed in the mortgage bond for the repayment of the money thereby secured, the party entitled to such mortgage bond may, at the expiration, or at any time after the expiration of twelve months from the date of such mortgage bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose ; and in the like case, the directors may, at any time, pay off the money borrowed, on causing the like notice to be given to the original mortgagee of the bond intended to be paid off ; or in case the same has been registered as ceded or transferred as aforesaid, to the last registered cessionary or transferee ; and every such notice shall be in writing, or print, or both ; and if given by a mortgagee, shall be delivered to the secretary, or left at the principal office of the Company ; and if given by the directors, shall be given to such mortgagee, or cessionary, or transferee, or left at his or their residence, or last known residence ; and if he or they cannot be found in the Colony, after diligent inquiry, such notice shall be given by advertisement in the *Government Gazette*, and in the newspapers of the Colony.

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15. If the directors shall have given notice of their intention to pay off any such mortgage bond, at a time when the same may be lawfully paid off by them, then, at the expiration of such notice, all further interest shall cease to be payable on such mortgage bond, unless on demand of payment made pursuant to such notice, or at any time thereafter, the directors shall fail to pay the principal and interest due at the expiration of such notice on such mortgage bond.

Interest to cease after period notified for repayment.

16. If, within six months after the principal money owing upon any such mortgage, has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, may, if he shall be the holder of five such overdue and unpaid bonds, alone, or if he shall not be the holder of five such bonds, he may, in conjunction with other mortgagees, holding together five bonds in arrear and unpaid, after demand as aforesaid, require the appointment of a receiver, as next hereinafter provided.

When mortgagee may require the appointment of a receiver.

17. Every application for a receiver, under the last clause, shall be made to the Supreme Court of the Colony of Natal; and on any such application it shall be lawful for the said Supreme Court, by order of Court, after hearing the parties, to appoint some person to receive the whole, or a competent part, of the tolls or sums liable to the payment of such principal and interest, until the same, together with all costs, including the charges of receiving the tolls or sums assessed, be fully paid; and upon such appointment being made, all such tolls and sums as assessed shall be paid to, and received by, the person so to be appointed; and the money so to be received shall be so much money received by or to the use of the party or parties to whom such principal and interest shall be then due, and on whose behalf such receiver shall have been appointed; and after such principal, interest, and costs, shall have been so received, the power of such receiver shall cease.

Supreme Court may appoint receiver of tolls, &c.

18. At all seasonable times, the books of accounts of the Company shall be open to the inspection of the respective mortgagees, with liberty to take extracts therefrom, without fee or reward.

Accounts to be open to inspection.

19. And in respect to the lands necessary to be purchased, leased, or occupied by the Company, inasmuch as the line of Railway is intended to run over, through, and along Government land, at or near the Point, held by the Colonial Government for the purposes of the Colony, or by various departments of the Imperial Government, and termini are intended to be fixed and placed on lands granted to the Mayor and Councillors of the Borough of Durban; and further, inasmuch as it may be necessary to pass through a piece of ground at the east end of the town of Durban, heretofore granted to Pieter Hans Zeederberg, the exact site whereof is not at present ascertained; and inasmuch as application has been made to the Imperial Government, on behalf of the Company, for leave to use the lands delineated on the plan, and described in the book of reference so deposited with the said Clerk of the Peace as aforesaid (a copy of which plan, so far as it relates to such Government ground, has been submitted to the officer commanding the Royal Engineers in this Colony), for the purposes of the said Railway, and the other objects contemplated by

For purchase or lease of lands, directors may enter into agreement with

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Colonial or Imperial Government,

Or Municipality of Durban,

And P. H. Zeederberg.

Deviations from plan.

Purchase or lease of lands adjoining railway.

Town Council of Durban, or P. H. Zeederberg, may be required to sell or lease right of way.

the Company: Be it therefore further enacted, that it shall be lawful for the directors of the Company to enter into any agreement with the Colonial Government or the Imperial Government, or any department thereof, for the absolute purchase, or the lease for a term of years, of any belonging to Her Majesty, so delineated and described as aforesaid, as may be required by the Company, for the purposes for which they are hereby incorporated, or for the grant of a right of way, right of erecting buildings and wharves, and other rights of servitude in perpetuity, or for a term of years, in, upon, over, and along any such land; and in like manner it shall be lawful for the directors to enter into such private agreement relating to any land so delineated and described as aforesaid, and required as aforesaid, belonging to the Mayor and Councillors of the Borough of Durban, with such Mayor and Councillors as aforesaid, or with the Council thereof on their behalf, who shall have power to contract as aforesaid, and to give transfer thereof, subject to, and with the consent and approbation of, the Lieutenant Governor, anything in the Ordinance No. 1, 1854, for the establishment of Municipal Corporations in the district of Natal, notwithstanding; and also to enter into any such agreement with the said Pieter Hans Zeederberg, his heirs and assigns, relating to any land belonging to him, so delineated and described, and required as aforesaid, and the grants or transfers of such lands so agreed to be purchased, leased, or subject to servitude, to or in favour of the Company, shall be registered at the Registry of Deeds' Office, with true and correct diagrams thereof, after the land shall be finally determined on, and such deviations from the line originally proposed as hereinafter authorised to be made, shall have been made and determined on.

20. It shall be lawful for the Company to deviate from the line delineated on the plan so deposited, and so to be amended as described as aforesaid, provided that no such deviation shall extend to a greater extent, in passing through lands belonging to any department of the Imperial Government, than ten yards, or elsewhere to a greater extent than one hundred yards from the said line, so to be altered as aforesaid.

21. That it shall be lawful for the Company, in addition to the lands authorised to be compulsorily taken by them under the powers of this Law, to contract with any party willing to sell or lease the same, for the purchase or leasing of any land adjoining or near to the Railway, not exceeding in the whole five acres, for the purpose of making and providing additional stations, yards, wharves, and places for the accommodation of passengers, and for receiving, depositing, and loading, or unloading, goods to be conveyed upon the Railway, and for the erection of weighing-machines, toll-houses, offices, ware-houses, and other buildings and conveniences.

22. And with respect to the purchase and taking of land where no such agreement as last aforesaid can be come to, when the directors of the Company shall require to purchase or to take any of the lands belonging to the Mayor and Councillors of the Borough of Durban, or to the said Pieter Hans Zeederberg, his heirs and assigns, which by this Law they are authorised to purchase, they shall be, and are hereby authorised and empowered to require the said Mayor and

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Councillors, and the said Pieter Hans Zeederberg, his heirs and assigns (if the said Railway, in any part of its line, as laid down and delineated in the aforesaid plan so deposited as aforesaid, or in any deviation therefrom authorised by this Law, shall prove to go through land belonging to him or them) at the option of the directors to sell or grant a lease, or right of way, or servitude, over the slips of land of the width of forty feet, delineated and described as aforesaid. And the directors shall give notice of such intention and requirement to the said Mayor and Councillors, and to the said Pieter Hans Zeederberg, respectively, which notices shall be under the seal of the Company, and shall be served by leaving a copy, or duplicate thereof, at the residence of the Mayor, and of the Town Clerk for the time being, of the said borough, or at their usual place of business, or delivering the same personally to them or him respectively; and such notice shall state the extent and particulars of the land so requested, and that the directors are willing to treat for the purchase, or a lease thereof (as the case may be), and demand the terms on which the Mayor and Councillors aforesaid shall be willing to sell or lease the same for the term hereinbefore limited; and which notice shall be served on the said Pieter Hans Zeederberg, his heirs or assigns, by delivering a copy, or duplicate, to him or them personally, or by leaving the same at his or their last known place or places of abode in this Colony.

23. If, for twenty-one days after the service of any such notice, the said Mayor and Councillors, or the said Pieter Hans Zeederberg, his heirs or assigns (as the case may be), shall fail to state the particulars of his or their claim in respect of any such land, or to treat with the directors in respect thereof, or if such party receiving the notice and the directors shall not agree as to the amount of the compensation to be paid by the directors for the interest in such lands belonging to them, or him, or for any damage that may be sustained by them, or him, by reason of the execution of the works, then if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice, in writing, to the directors, before they have presented a petition to the Supreme Court for a trial by jury, as hereinafter mentioned and provided, stating, in such notice, the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be settled by arbitration accordingly. But unless the party claiming compensation shall signify his or their desire to have the question of such compensation settled by arbitration, or if, when the matter shall have been referred to arbitration, the arbitrators, or their umpire, shall, for three months, have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by a verdict of a jury, as hereinafter provided.

Arbitrators may settle claims for compensation.

24. When any question of disputed compensation, authorised or required to be settled by arbitration, shall have arisen, then, unless both parties to the dispute shall concur in the appointment of a single arbitrator, each party on the request of the other party, shall nominate and appoint an arbitrator, to whom such dispute shall be referred. And every appointment of an arbitrator shall be made, on

Appointment of arbitrators.

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the part of the directors, under the common seal of the Company, and on the other hand under the common seal of the Mayor and Councillors of the said borough, or under the hand or hands of the said Pieter Hans Zeederberg, his heirs or assigns (as the case may be). And such appointment shall be delivered to the arbitrator by the party by whom the same shall be made. And after any such appointment shall have been made, neither party shall have the power to revoke the same, without the consent of the other, nor shall the death of the owner, or owners, for the time being, of the land now belonging to Pieter Hans Zeederberg, or either of them, operate as a revocation. And if, for the space of fourteen days after any such dispute shall have arisen, and after a request, in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last mentioned party fail to appoint an arbitrator, then, upon such failure, the party making the request, and having appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties. And such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

In the event of death, &c., of arbitrator, new arbitrator to be substituted.

25. If, before the matters so referred shall be determined, any arbitrator, appointed by either party, die, or become incapable to act, the party by whom such arbitrator was appointed, may nominate and appoint, in writing, some other person to act in his place; and if, for the space of seven days after notice, in writing, from the other party for that purpose, he fail to do so, the remaining, or other arbitrator, may proceed *ex parte*. And every arbitrator, so to be substituted, shall have the same powers and authorities as were vested in the former arbitrator, at the time of such his death or disability as aforesaid.

Umpire.

26. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide on any such matters on which they shall differ, or which shall be referred to him by this Law. And if such umpire shall die, or become incapable to act, they shall forthwith, after such death or incapacity, appoint another umpire in his place, and the decision of every such umpire, on the matters so referred to him, shall be final.

When umpire may be appointed by Colonial Secretary.

27. If, in either of the cases aforesaid, the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration, neglect to appoint an umpire, the Colonial Secretary of this Colony shall, on the application of either party to such arbitration, appoint an umpire. And the decision of such umpire, on the matters on which the arbitrators shall differ, or which shall be referred to him under this Law, shall be final.

On the death of a single arbitrator, arbitration to be instituted anew.

28. If, when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to them shall be determined by arbitration under the provisions of this Law, in the same manner as if such arbitrator had not been appointed.

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29. If, where more than one arbitrator shall have been appointed, either of the arbitrators refuse, or for seven days neglect to act, after being thereunto requested, in writing, by the other arbitrator, such other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

When arbitrator may proceed *ex parte*.

30. If, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last appointment of such arbitrators shall have been made, or within such extended time (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Arbitrators neglecting or delaying to proceed, matters to be determined by umpire.

31. The said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party, which they or he may think necessary for determining the question in dispute; and may examine the parties, or their agents, and other witnesses, on oath, and administer the oaths necessary for that purpose, and shall receive all such testimony relevant, and of a character admissible in cases of arbitration by the law of England, which shall be tendered by either party.

Umpires and arbitrators may call for documents or evidence.

32. Before any arbitrator, or umpire, shall enter into the consideration of any matters referred to him, he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration, that is to say:

Declaration by umpire or arbitrator.

"I, A. B., do solemnly and sincerely declare that I will
"faithfully, and to the best of my skill and ability, hear and
"determine the matters referred to me under the provisions
"of the Law (*inserting the title of this Law*).

"A. B.

"Made and subscribed the day of ,
"in the presence of " }

And such declaration shall be annexed to the award when made.

33. All the costs of any such arbitration, and incident thereto, to be settled by the arbitrators, shall be borne by the Company, unless the arbitrators shall award the same, or a less sum, than shall have been offered by the directors; in which case each party shall bear his own costs incident to the arbitration. And the costs of the arbitrators shall be borne by the parties in equal proportions.

Costs of arbitration.

34. The arbitrators shall deliver their award, in writing, to the directors; and the said directors shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party to the arbitration; and shall, at all times, on demand, produce the said award, and allow the same to be inspected or examined by such party, or any person appointed by him for that purpose.

Copy of award to be furnished.

35. The submission to any such arbitration may be made a rule of the Supreme Court of this Colony, on the application of either of the parties.

Submission to arbitrators may be made a rule of Court.

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Award not invalid by reason of irregularity, &c.

Notice of reference to Supreme Court of disputed compensation.

Reference to Supreme Court for determination by a jury of disputed compensation.

36. No award made with respect to any question referred to arbitration under the provisions of this Law shall be set aside for irregularity or error in matter of form.

37. Before the Directors shall apply to the Supreme Court, as hereinafter mentioned, for settling any case of disputed compensation, they shall give not less than ten days' notice to the other party of their intention (such notice to be executed and served as hereinbefore provided in the like case); and in such notice the directors shall state what sum of money they are willing to give for the interest in such land sought to be purchased by them from such party, and for the damage to be sustained by him by the execution of the works.

38. In every case in which any such case of disputed compensation shall be required to be determined by the verdict of a jury, the directors shall present a petition to the Supreme Court of the Colony of Natal describing the land applied for by them, with diagram annexed, and the nature of the interest therein sought to be purchased by them, and the amount of compensation they are willing to give; and praying the Court to summon the other party, on a day to be fixed, to appear before it, and give in a statement of the nature of his interest in the land and the amount of compensation claimed by him; and pray that the question of such unsettled or disputed compensation may be determined by the Court, or a Circuit Court thereof, with a jury summoned to try the question. And such petition shall be supported by affidavit of one of the directors, or of some agent of the directors, and in proof that the proceedings required by this Law to be taken by the directors previous to presenting such petition have been taken. And thereupon such summons shall be issued and served on the other party; and, on the return day of the summons, the party summoned shall present his claim, and the Court, after hearing the parties thereon, shall determine where and before what Court the trial of such question shall be held. And if the question shall be ordered to be tried before the Supreme Court or one of the Judges thereof at Pietermaritzburg, the Court shall at the same time fix a day for such trial; or if it shall be ordered to be tried before any Circuit of any division of the Colony, then such trial shall be held at the next ensuing Circuit Court for such division, and a jury shall be summoned for the trial of such question, and the same shall be chosen and sworn in the same manner and subject to such rules in all respects as are applicable to trials by jury in civil causes before the Supreme Court and the Circuit Courts respectively. And either party may cause such subpoenas to be issued and served on witnesses required by him; and all other proceedings shall be taken and such rules of Court shall apply, in the same manner and form as in the cases of ordinary suits, so far as such rules are applicable.

Plaintiff.

39. The party claiming compensation shall be deemed the plaintiff at the trial, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and the petition of the directors and the claim of the other party shall be taken as and for the pleadings in the case.

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40. If the party shall not appear to the summons hereinbefore required to be issued by the Supreme Court on the return day thereof, the same having been duly served, or if, having then appeared, he shall not appear at the time appointed for the trial of the question of compensation, such trial shall not be proceeded with, but the compensation shall be ascertained by a surveyor appointed in manner hereinafter mentioned.

When compensation to be ascertained by a surveyor.

41. On every such trial before a jury where the verdict of the jury shall be given for a greater sum than the sum previously offered by the directors, all the costs of the petition and trial and incident thereto shall be borne by the Company. But if the verdict of the jury shall be for the same or a less sum than the sum previously offered by the directors, or if the owner of the land shall have failed to appear at the time and place appointed, one-half of the costs of the jury shall be defrayed by the owner of the lands and the other half by the Company, and each party shall bear his own costs other than as aforesaid incident to such inquiry. And such costs shall be taxed by the Master, and judgment shall be entered and recorded for the amount assessed by the jury (where a verdict has been given) and costs as aforesaid.

Costs, by whom to be borne.

42. If any costs shall be payable by the Company, and if within seven days after demand such costs be not paid to the party entitled to receive the same, execution may be issued for the same. And if any such costs be payable by the owner of the lands, or of any interest therein, the same may be deducted and retained by the directors out of any money awarded by the jury to such owner or determined by the valuation of a surveyor, under the provision hereinafter contained; and the payment or deposit of the remainder of any such money shall be deemed payment and satisfaction of the whole thereof. Or if such costs exceed the amount of the money so awarded and determined, the excess shall be recoverable by writ of execution.

Execution may be issued for costs payable by the Company.

43. The purchase-money or compensation to be paid for any lands to be purchased or taken by the directors from any party who by reason of absence from the Colony or from personal incapacity is prevented from treating, or who shall not appear at the return day of the summons or at the day of trial as hereinbefore provided for, shall be such as shall be determined by the valuation of such surveyor or other person as shall be appointed for that purpose.

Purchase money or compensation to absentees, how to be determined.

44. On petition by the directors to the Supreme Court of the Colony of Natal, and upon such proof as shall be satisfactory to it, that any such party, by reason of absence from the Colony or from personal incapacity, is prevented from treating, or at the return of such summons as aforesaid when the party shall fail to appear, and upon due proof of the service of the summons, or upon affidavit that such party failed to appear at the time and place appointed for the trial as aforesaid, the Supreme Court shall by order of Court nominate a surveyor or other person for determining such compensation as aforesaid; and such surveyor or other person shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof,

Supreme Court to appoint a person for determining compensation;

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Who shall make a declaration before entering upon such valuation.

45. Before such surveyor or other person shall enter upon such valuation as aforesaid, he shall in the presence of a Justice of the Peace make and subscribe the declaration following, that is to say:

"I, A. B., do solemnly and sincerely declare that I will
"faithfully, impartially, and honestly, according to the best
"of my skill and ability, execute the duty of making the
"valuation referred to me under the provisions of the Law
"entituled (*insert the title of this Law*).

"A. B.

"Made and subscribed the day of ,
"in the presence of }

"C. D."

Directors to produce valuation, &c., to person interested.

46. An office copy of the order of Court nominating the party and his declaration shall be annexed to the valuation made by such surveyor or other person nominated, and shall be preserved together therewith by the directors; and they shall at all times produce the said valuation and other documents on demand to the owners of the lands comprised in such valuation, and to all other persons interested therein.

Expenses of valuation to be borne by the Company.

47. All the expenses of and incident to every such valuation shall be borne by the Company.

Damage to land to be estimated.

48. In estimating the purchase-money or compensation to be paid by the Company in any of the cases aforesaid, regard shall be had not only to the value of the land to be purchased or taken by the Company, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this Law.

Compensation may be submitted to arbitration.

49. When the compensation payable in respect of any lands or any interest therein shall have been ascertained by the valuation of a surveyor, and deposited in a bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands or such interest therein as aforesaid was absent from the Colony, it shall be lawful for such owner or party, upon proof to the satisfaction of the directors, or, if they shall be dissatisfied with the proof tendered them, on proof to the satisfaction of the Resident Magistrate of the County of Durban, that he was absent from the Colony, but not otherwise, if such owner or party shall be dissatisfied with the valuation of such surveyor or other person nominated as aforesaid, and before he shall have applied to the said Supreme Court for payment or investment of the moneys so deposited under the provisions herein contained, by notice in writing to the directors, to require that the question of such compensation shall be submitted to arbitration; and thereupon the same shall be submitted accordingly, in the same manner as in other cases of disputed compensation hereinbefore authorised or required to be submitted to arbitration. Provided, nevertheless, that no such valuation

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of the surveyor or other person nominated as aforesaid shall be reopened and submitted to arbitration after the expiration of two years from the date of such valuation.

50. The question to be submitted to the arbitrators in the last case aforesaid shall be, whether the said sum so deposited as aforesaid by the directors was a sufficient sum under the circumstances at the date of such valuation, or whether any and what further sum ought to have been paid and deposited by them.

Question submitted to arbitrators.

51. If the arbitrators shall award that a further sum ought to be paid or deposited by the Company, the directors shall pay or deposit as the case may require such further sum within fourteen days from the making such award; or in default thereof the same may be recovered with costs, as a liquid debt in a provisional case.

Award to be paid within fourteen days.

52. If the arbitrators shall determine that the sum so deposited was sufficient, the costs of and incident to such arbitration shall be in the discretion of the arbitrators; but if the arbitrators shall determine that a further sum ought to be paid or deposited by the Company, all the costs of and incident to the arbitration shall be borne by the Company.

Costs of arbitration, by whom to be borne.

53. Provided, nevertheless, that the sum of £3,000 of the capital of the Company be actually paid up, and that three-fourths of the capital or shares of the Company shall be subscribed for under contract binding the parties thereto for the payment of the several sums or shares by them respectively subscribed for, before it shall be lawful to put in force any of the powers of this Law in relation to the compulsory taking of land for the purpose of the undertaking.

Compulsory taking of land.

54. A certificate under the hand of the Resident Magistrate for the County of Durban, certifying that the whole of the said capital sum of £10,000 has been subscribed for, shall be sufficient evidence thereof; and on the application of the directors, and on the production of such evidence as such Resident Magistrate shall think proper and sufficient such Resident Magistrate shall grant such certificate accordingly.

Certificate of Resident Magistrate of Durban to be evidence of amount paid up.

55. And with respect to the purchase-money or compensation payable in gross to the Mayor and Councillors of the Borough of Durban, or the compensation payable for any permanent damage to any such lands, the same shall be paid, whether the same shall be obtained by the Company by agreement or under the compulsory powers given by this Law, into the Natal Bank, or such other bank in this Colony or in the Colony of the Cape of Good Hope as the Lieutenant Governor shall appoint, in the names of the Master of the Supreme Court of the Colony of Natal with the Treasurer for the time being of the Municipal Corporation of Durban and the Secretary for the time being of the Natal Railway Company. And such moneys shall remain deposited at interest in such bank, or such other bank as the Lieutenant Governor may from time to time appoint, until the Lieutenant Governor shall direct the same to be paid over to the Treasurer of the Municipal Corporation of the Borough of Durban. And a letter under the hand of the Colonial Secretary for the time being of Natal to that effect to the said Master, the Council of the said Corporation, and the said Company

Compensation, &c., to Mayor and Councillors of Durban, how and to whom to be paid.

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shall be sufficient warrant and authority; and upon receipt of such letter, they are hereby required to authorise the amount to be transferred or paid to the Treasurer of the said Corporation, for the purposes of the Corporation. And in the meantime, and until such transfer shall be made, the said Master and Secretary shall, by power of attorney, authorise and empower the said Treasurer to receive the interest accruing thereon for the uses of the said Corporation.

Purchase money, &c., to owners of Zeederberg's land, how and through whom to be paid.

56. And with respect to the purchase-money or compensation payable in gross to the owner or owners for the time being of the land now belonging to Pieter Hans Zeederberg and the compensation payable for any permanent damage to any such lands, the same shall be paid to such owner or owners, in case he or they shall not be, at the time when the same is payable, absent from the Colony or labouring under any legal incapacity to receive and give a valid receipt or receipts for the same; but if he or they or either of them shall be absent from the Colony or labouring under any such legal incapacity, the whole, or the share of such one or more as are absent or labouring under incapacity, shall, on the application of the directors to the Supreme Court of the Colony of Natal, be paid into the Natal Bank, or into some other bank in this Colony or in the Colony of the Cape of Good Hope, or be laid out and invested from time to time on mortgage of immoveable property in this Colony, in the name of the Master of the said Supreme Court, and of such party or parties, or of some other person or persons on their behalf, as the said Supreme Court shall from time to time direct or appoint; and the moneys so deposited or invested shall abide the further directions of the said Supreme Court, on the application of parties entitled thereto, or other parties acting on their behalf respectively; and the receipt or receipts of the said Master for any such purchase-money or compensation or any part thereof shall be a sufficient discharge to the Company or other parties paying the same for the moneys therein expressed to be received, and shall free the Company and such other parties from all obligation to see to the further application, or from being answerable for any loss, misapplication, or non-application thereof; and upon payment to the said Master of the whole of such purchase-money or compensation payable to the owner or owners for the time being of the land now belonging to Pieter Hans Zeederberg, or under the order of the Supreme Court, or such of them as are absent or labouring under incapacity, the said Master is hereby empowered and required, on behalf of such absent or incapacitated owner or owners, to give valid transfer in the usual manner to the said Company of the land so purchased for the uses of the said undertaking.

Penalty for obstructing the works.

57. If any person wilfully obstruct any person acting under the authority of the Company in the lawful exercise of their power in setting out the line of the railway, or pull up or remove any poles or stakes driven into the ground for the purpose of so setting out the line of railway, or deface or destroy any marks made for the same purpose, he shall forfeit a sum not exceeding £5 for every such offence, or, in default of payment of any such fine, be imprisoned for a period not exceeding altogether three months.

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58. Where the railway shall cross the ordinary wagon-road to the Point on a level, the Company shall at their own charges and risk, lay their rail for a length of one hundred feet at the least in such a manner that the passing of wagons, carts, and other vehicles, and of horses, oxen, and other animals, shall not injure the same; and shall be bound to lay them in such a manner that they shall form no material obstacle to the passage of vehicles and cattle across the same. And to prevent the line of wagon-road deviating in its passage across the railway, the Company shall, at its expense and risk, fence in and keep fenced in on both sides of the railway, for the space of one hundred feet on both sides of such railway, wherever such road and railway cross one another, leaving an open space of not less than one hundred feet for the road wherever such vehicles and cattle may pass. And in default of the Company's fencing the railway in and keeping the same fenced in, in manner aforesaid, the Company shall not be entitled to claim any damage, or to enforce any penalty against the owner or driver of any wagon or other vehicle, or the rider of any horse, who may damage such railway in crossing the same, within five hundred feet on either side of the road where it crosses the railway.

Rails not to obstruct the ordinary right of way, &c.

59. Where the railway shall cross such road at any part thereof where there are now several wagon tracks or roads, the Surveyor of the Corporation of Durban shall fix the place where such road shall cross the railway; and the provisions of the previous clause shall thereupon apply to the road so fixed on, and to that only; and thenceforth no vehicle or cattle shall be permitted to use any of the other tracks or roads, but shall be confined to the line or road so fixed on.

Where several tracks cross the line, one only to be used.

60. In case, at any time after the completion of the Railway, the Mayor and Councillors of the Borough of Durban shall be desirous of having and providing any additional place or places where a roadway shall be made and formed for the passage of vehicles, horses, and cattle across the Railway, and of such their desire shall give notice in writing, under their common seal, to the Company, then and in such case the provisions of the 58th clause shall apply, except as to the costs of carrying the same into execution, to such additional place or places of crossing the Railway; and such works shall be originally executed at the joint costs of such Mayor and Councillors, and of the Company, but shall thenceforth be kept in order and repair at the cost of the Company.

Cost of additional crossings, by whom borne.

61. The Company, shall at their expense and risk, make, do, and execute all such works as shall be rendered necessary for the protection and working of the Railway by any works performed and executed by such Mayor and Councillors for the drainage of the Eastern Vley adjoining the Railway into the Bay, or in carrying a canal and towing-path from the Bay across the Railway.

Drainage of the Eastern vley.

62. The Company shall have full power and authority, whenever they shall think it expedient so to do, in order to facilitate the carriage of merchandise through the town, to lay down iron tramways of the same gauge as the line of their Railway from the terminus at Durban through, over, and along all or any of the streets of the town of Durban, in the middle of such streets, or in

Tramways may be laid along the streets of Durban.

Vide Law 18, 1876, § 10.

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such other parts thereof as the Company and the said Mayor and Councillors may mutually determine; and to lay turn-tables at the cross streets, or to lay down additional curved tramways there in other parts of all or any of the streets, or to take such other means as they shall deem necessary for the passage of their carriages and vehicles from one street to another running at right angles to the former streets: provided always, that except with the consent of the Mayor and Councillors of the Borough of Durban and of the Lieutenant Governor (and in that case also subject to such orders and regulations as the Lieutenant Governor, with the advice of the Executive Council, shall, in pursuance of the provisions and subject to the restrictions thereon hereinafter contained, make and proclaim) that no locomotive engine or other steam power shall pass along any street of the town of Durban, either alone or used in dragging any carriage or other vehicle, except on the main line from the Point to the terminus on the Market Square: provided also, that the Company shall be bound to lay such tramways, turn-tables, and other works in such streets so and in such manner that they shall form no material obstacle to the passage of vehicles and horses, oxen, and other cattle over and across such tramways, turn-tables, or other works in such streets; and that the Company shall be bound to harden the streets on the entire line of rail to the extent of three feet outside each rail and on the entire space between the rails; and so that all accidental damage done to such tramways, turn-tables, or other works by the passage of vehicles or cattle, or otherwise, shall be repaired at the expense of the Company: and provided further, that the Company shall not be compelled or compellable to lay down such tramways, turn-tables, and other way in all or any of the streets aforesaid; but they shall be at liberty to execute such works from time to time, and at such times as they shall deem necessary and advisable, having regard to their pecuniary means and the necessities of traffic.

Streets may be closed while works are proceeding.

63. The Company, in the execution of the works last referred to, may, by their agents and workmen, turn up, dig, and excavate the soil of all or any of such streets, and lay, deposit, and fix such materials of iron and stone, or otherwise, in such streets, to and in such manner as the Company may find necessary for the purposes aforesaid; and may, during the execution of such work, deposit iron, stone, or other materials in and upon such streets, so that the traffic through the same may be impeded as little as possible; and, if necessary, shall have power to stop up and prevent the passage of vehicles, horses, and cattle through all or any of such streets; but so that in case while the traffic shall be stopped the works at that place shall be proceeded with and executed with all possible despatch; and so that no more than a portion of one street, extending from one cross street there to the next adjoining cross street, shall be closed to traffic at any one time without the consent in writing of such Mayor and Councillors of the Borough of Durban.

Charges for transport of goods, &c.

64. It shall be lawful for the Company to use and employ locomotive engines or other moving power, and carriages and wagons to be drawn or propelled thereby, between the termini of the railway; and carriages and wagons to be drawn or propelled by

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horses, oxen, or other animals, or other power used under the provisions of this Law along the tramways in the town of Durban; and to carry and convey upon the railway and tramway all such passengers and goods as shall be offered or present themselves for that purpose, and to make such reasonable charges in respect thereof as they may from time to time determine on, not exceeding the following charges:

	£	s.	d.
For the receiving of goods from any ship or lighter at the wharf at the Point, carriage from the terminus at the Point to and delivery at any part of the Town of Durban: for every ton weight of heavy goods, or for every forty cubic feet of goods by measurement, at the option of the Company	0	6	0
For collecting goods in the Town of Durban and delivering the same at the vessel or lighter at the wharf at the Point, for the like weight or measurement of goods... ..	0	6	0
For the conveyance of every passenger from one terminus to the other	0	0	6
For the conveyance of goods belonging to Her Majesty from the terminus at the Point to the terminus at Durban, or to any part of the Town of Durban, or to the Camp at Durban at its present site, and <i>vice versa</i>	Ten per cent. less than the existing rate on other goods.		
For the conveyance of stone used at the Harbour Works, to be conveyed from one terminus to the other by the trucks or wagons of Her Majesty, per ton weight	0	0	1
For storing goods in the bonded or other warehouses belonging to the Company	At a rate not exceeding current rates in Durban.		

and so on in proportion for any less quantity of goods than a ton weight or forty cubic feet of measurement, except that where the goods or things received by the Company and awaiting delivery on any one day for any one person or firm shall not exceed five cwt. by weight or ten cubic feet by measurement, the Company shall be at liberty to charge any reasonable amount for the delivery of any such parcel of goods beyond the rates of charge hereinbefore limited.

65. The Company, in consideration of the benefit of their works to the public, and the costs and risks of loss they are at and put to in constructing and maintaining the same, shall (provided they shall maintain and continue to work such railway so long) have and enjoy for the period of fourteen years the exclusive privilege of the conveyance to and from the Point by rail; and that no other railway

Terms of exclusive privilege.

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shall be allowed to be constructed, made, or worked for the said term of fourteen years, which shall have a terminus or station, or place of receipt or delivery of goods at or near the present Custom House at the Point or within one thousand yards thereof: Provided nevertheless, that nothing in this Law contained shall be held to oblige the Company to continue to maintain and work such Railway during the aforesaid period of fourteen years; or to prevent the shareholders thereof, if they shall see fit to dissolve the Company under the provisions of any special law to be passed for the purpose: And be it further provided, that it shall and may be lawful for the Colonial Government of Natal to lay down rails and propel wagons over the same by steam-engines or other motive power between the Town of Durban and the Point.

Company may
contract with
other Company.

66. It shall be lawful for the Company from time to time to enter into any contract with any other company, being the owners or lessees in possession of any other railway, for the passage over or along the Railway hereby authorised to be made of any engines, wagons, or other carriages of any other company, or which shall pass over any other line of railway; or for the passage over any other line of railway of any engines, wagons, or other carriages of the Company, or which shall pass over their line of Railway, upon the payment of such tolls, and under such conditions and restrictions as may be mutually agreed upon; and, for the purpose aforesaid, it shall be lawful for the respective parties to enter into any contract for the division or appointment of the tolls to be taken on their respective railways.

Such contract
not to increase
or diminish the
tolls.

67. Provided always, that no such contract as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls which the respective companies parties to such contract shall for the time being be respectively authorised and entitled to demand or receive from any person or from any other company; but that all other persons and companies shall, notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

Tolls may be
varied.

68. And whereas, it is expedient that the Company should be enabled to vary the tolls upon the Railway, so as to accommodate them to the circumstances of the traffic; but such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the Company or of particular parties, it shall be lawful therefore for the Company, subject to the provisions herein contained, from time to time to alter or vary the tolls demanded and taken by them (not exceeding as aforesaid) as they shall think fit: provided, that all such tolls be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing over the line of railway under the same circumstances; but with right to the Company to vary the rate of tolls for different descriptions of goods; and no

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reduction or advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling over or using the Railway under the same circumstances.

69. It shall not be lawful for the Company at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers and goods than they are by this Law authorised to demand; and upon payment of the tolls from time to time demandable, all persons shall be entitled to be conveyed, and have goods conveyed over and along the said Railway; subject, nevertheless, to the regulations to be from time to time made by the Company, by virtue of the powers in that behalf hereby conferred on them.

Tolls not to exceed the charge authorised in this Law.

70. A list of all the tolls which shall be from time to time exacted by the Company under the authority of this Law, shall be published, by the same being painted upon a toll-board in distinct black letters upon a white ground, or white letters on a black ground, or by the same being printed in legible characters on a paper affixed to such board; and by such board being exhibited in some conspicuous place at the termini and all other stations of the Railway, and at the head office of the Company.

List of tolls to be published.

71. No tolls shall be demanded or taken by the Company for the use of the Railway during any time for which the boards hereinbefore directed to be exhibited shall not be so exhibited; and if any person wilfully pull down, deface, or destroy any such board, or printed paper thereon, or any board or paper containing a copy of any bye-laws affixed as hereinafter mentioned, he shall forfeit a sum not exceeding five pounds for every such offence.

Penalty for defacing, &c., such list.

72. The tolls payable on the conveyance of passengers shall be paid to such persons and at such places upon or near the Railway in such manner and under such regulations as the Company shall, by notice added or affixed to the said list of tolls, appoint; and the tolls on the conveyance of goods and merchandise shall be paid to such persons and at such places, and either upon receipt or delivery thereof, or with such credit for the same as the Company shall from time to time appoint.

Tolls, to whom payable.

73. If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the Company to detain and sell such carriage or all or any part of such goods; or, if the same shall have been removed from out of the custody of the Company, to detain and sell any other carriages and goods in such custody belonging to the party liable to pay such tolls, and out of the proceeds arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, including charge for storage, rendering the overplus (if any) of the moneys arising by such sale, and such of the carriages and goods as shall remain unsold to the person entitled thereto; or it shall be lawful for the Company to recover any such tolls by action at law.

Recovery of tolls unpaid.

74. If any dispute arise concerning the amount of the tolls due to the Company, or concerning the charges occasioned by any detention or sale thereof under the provisions herein contained, the same shall be settled by the Resident Magistrate of Durban summarily,

Disputes concerning tolls settled by Resident Magistrate, Durban.

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on the application of the party complaining; and it shall be lawful for the Company in the meanwhile to detain the goods, or (if the case so require) the proceeds of the sale thereof.

Goods conveyed
in other carriages
than the Com-
pany's.

75. In case of the transit of any carriage not belonging to the Company over the Railway, the owner, or person or persons having the care of any carriage or goods passing or being upon the Railway, shall on demand give the collector of tolls, at the places where he attends for the purpose of receiving goods or collecting tolls for the passage of such carriage or goods which may have travelled or be about to travel over the Railway, an exact account in writing, signed by him, of the number and quantity, dimensions and weight of goods conveyed by any such carriage, and of their destination, within the limits within which the Company undertake to deliver goods, as hereinbefore mentioned; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective quantities and numbers, dimensions and weight thereof liable to each or any of such tolls.

Penalty for false
account of goods
so conveyed.

76. If any such owner or other such person fail to give such account, or to produce his bill of lading (if any) to such collector or other officer or servant of the Company demanding the same, or he give a false account with intent to avoid the payment of any tolls in respect thereof, he shall for every such offence forfeit to the Crown a sum not exceeding £10 for every ton of goods, whether by actual weight or by measurement of forty cubic feet, or for any parcel not exceeding one cwt., as the case may be, which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

Such goods may
be weighed.

77. If any difference arise between any toll collector or other officer or servant of the Company and any owner of or person having the charge of any goods conveyed or to be conveyed by such carriage, respecting the weight, dimensions, quantity, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, or otherwise measure the same: And if upon such measuring or examination such goods appear of greater weight, measure, or quantity, or other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the Company, be liable to pay the cost of such measuring, weighing, and examination; but if such goods appear to be of the same or less weight, measurement, or quantity than, and of the same nature as shall have been stated in such account, then the Company shall pay such costs; and they shall also pay to such owner of or person having the charge of such carriage, and to the respective owners of such goods, such damage (if any) as shall appear to the Resident Magistrate for the County of Durban, on a summary application to him for that purpose, to have arisen from such detention.

Goods the con-
veyance of which
is optional.

78. No person shall be entitled to carry or to require the Company to carry upon the Railway any aquafortis, oil of vitrol, gunpowder, lucifer matches, or any other goods which in the judgment

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of the Company may be of a dangerous character: and if any person send by the Railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise give notice in writing to the book-keeper or other servant of the Company with or to whom the same are left or delivered, at the time of so sending, he shall forfeit to the Crown £5 for every such offence: And it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature; or the Company may agree to take and convey such dangerous goods at such reasonable rate of charge for the increased risk and trouble as they shall determine.

79. The Company shall every year cause an annual account in abstract to be prepared, showing the total receipt and expenditure of all funds levied by virtue of this Law, for the year ending the last day of February, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with the statement of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors; and shall, if required, transmit a copy of the said account to the Mayor and Councillors of the Borough of Durban, through the Town Clerk for the time being, within one month from the aforesaid day or other day to be appointed: Provided, that if the said Company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such Town Clerk, by notice in writing, they shall forfeit for every such omission the sum of £5 to the Crown.

Annual account
of receipts.

80. It shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, from time to time to make and proclaim all such orders and regulations respecting the speed at which carriages using the Railway shall be moved or propelled over the whole or at any particular portion or portions of the line, the precautions to be observed in passing along, over, or near any roads or streets, the carriage of dangerous goods, and any other matter or thing relating to the management or use of the Railway which in the opinion of the Lieutenant Governor, with the advice of the Executive Council, shall or may affect the safety or security of Her Majesty's subjects using the Railway as passengers, or passing over or near to any part of such; and to impose pecuniary penalties for the breach of any such orders or regulations, with or without imprisonment in default of and until payment of any such pecuniary penalty; such pecuniary penalties not to exceed the sum of £20, and any such imprisonment to be for a period not exceeding six months for any one offence: and from time to time, with such advice as aforesaid, to revoke and annul any such orders and regulations, and to make and proclaim other orders and regulations in their place if and as he shall think necessary: and the publication of any proclamation containing any such orders and regulations in the *Government Gazette* of this Colony shall be received in all Courts and elsewhere as sufficient evidence that the same have been duly made and proclaimed, or that the same have been revoked and annulled, as the case may be.

The Governor to
regulate the
speed of car-
riages.

81. Subject to the provisions of this Law, and to the orders and regulations contained in any such proclamation as aforesaid whilst

Regulations
made by the
Company.

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the same shall remain in force, it shall be lawful for the directors of the Company from time to time to make regulations for the following purposes:

For regulating the mode by which, and the speed at which, carriages using the Railway are to be moved or propelled.

For regulating the time of the arrival and departure of any such carriages.

For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry.

For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages.

For preventing the smoking of tobacco and the commission of any other nuisances in or upon such carriages, or in any of the stations or premises occupied by the Company.

And generally for regulating the travelling upon or using and working of the Railway.

But no such regulations shall authorise the closing of the Railway, or prevent the passage of engines or carriages on the Railway at reasonable times during all working days, except at any time when, in consequence of the engines or any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the Railway, or any part thereof.

Company to
make bye-laws,

82. For better enforcing the observance of all or of any such regulations, it shall be lawful for the directors of the Company to make bye-laws, and from time to time to repeal or alter such bye-laws and make others; provided such bye-laws shall not be inconsistent with the Laws of the Colony or with the provisions of this Law; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company; and any person offending against any such bye-law shall, on summary conviction before the Resident Magistrate, forfeit for every such offence any sum not exceeding £10, or be imprisoned for a period not exceeding six months with or without hard labour, as a penalty for any such offence; and if the infraction or non-observance of any such bye-law or other regulation as aforesaid shall be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the Railway, it shall be lawful for the Company, by any of their servants, summarily to interfere to obviate or remove such danger or hindrance, and that without prejudice to the punishment of the infraction of such bye-law.

Subject to
Lieutenant
Governor's
approval.

83. No such bye-law or regulation shall have any force or effect until a true copy thereof, certified by two directors and the secretary to the Company, shall have been transmitted to the Colonial Secretary for the consideration of the Lieutenant Governor, and the same shall have been confirmed and published by the direction of the Lieutenant Governor in the *Government Gazette*.

Mode of publish-
ing bye-laws.

84. A copy of such last-mentioned bye-laws, after such confirmation and publication in the *Gazette*, shall be painted on boards or printed on papers and pasted on boards, and hung up and affixed

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and continued on some conspicuous part of every station or wharf belonging to the Company, according to the nature or subject-matter of such bye-laws respectively, so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed, as often as the bye-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such bye-law shall be recoverable, unless the same shall have been published and kept published in the manner aforesaid.

85. Such bye-laws, when so confirmed and published and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the confirmation and publication of any such bye-law, it shall be sufficient to produce the *Government Gazette* containing the same, and to prove that a printed paper or painted board containing a copy of such bye-laws was affixed and continued in manner hereinbefore directed; and in case of its being afterwards displaced or damaged, then that such paper or board was replaced as soon as conveniently might be.

Bye-laws to be binding.

86. Nothing herein contained shall be deemed or construed to exempt the railway by this Law authorised to be made from the provisions of any general law relating to such laws, or any general law relating to railways, which may be hereafter passed by the Legislature of this Colony, or from any future revision and alteration by any such law of the maximum rates of tolls, fares, and charges authorised by this Law.

Railway not exempt from the provisions of general laws.

87. The said Company at the first general meeting, or at some meeting to be held by adjournment of the same, shall elect ten persons to be directors to manage the affairs of the Company, seven of whom shall be resident in Durban and three in Pietermaritzburg; who shall be respectively possessed of at least ten shares, each in his own right, and they shall continue in office for the time hereinafter mentioned.

Election of directors.

88. The said directors shall have full power to contract for purchase, accept leases of all lands, houses, and other premises necessary or wanted for the said Railway, and to sell, convey, and demise such parts of the same as shall not be wanted, and to enter into all agreements touching compensation for damages, or with any engineers, surveyors, agents, and other persons in and about carrying on the said Railway as shall be thought expedient; and to make and enter into all such contracts as anywhere concern the said undertaking; and at all times to use the common seal of the Company for such purposes as they think proper; and generally to direct the affairs of the Company, and to do all such things as the Company are by law entitled to do or authorised to do, subject, nevertheless, to the directions of any meeting of shareholders.

Powers of directors.

89. In case any person appointed to be a director die or refuse to act or become incapable of acting, or shall become insolvent or compound with his creditors, or, if resident in Durban, shall absent himself from the meetings of directors for a continuous period of three months, or shall cease to be possessed of ten shares at least, or shall hold any office under this Company, or is in any manner

Disqualification of directors, &c.

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directly or indirectly interested in any contract for the furnishing any article purchased by the Company, such person shall cease to be a director: Provided, that no director shall vacate his office by reason of his being a shareholder in any incorporated company which has entered into contracts with or done work for this Company; nevertheless, he shall not vote in respect of such contract or work, and if he does so vote his vote shall not be counted. And it shall be lawful for the (continuing) directors, in any of the cases aforesaid, at any of their meetings, to appoint some duly qualified person from and out of the Company in the room and stead of the director who shall have ceased to hold office as aforesaid.

General meetings, when to be held.

90. The first general meeting of the Company for putting this Law into execution shall be held two months after the same shall commence and take effect, of which meeting not less than fourteen days' notice shall be given by advertisement in the *Government Gazette* and some local newspaper; which notice it shall be competent for two or more shareholders to give: and there shall be every year two general meetings, to be held respectively on the first Wednesday in August and on the first Wednesday in February at Durban; and fourteen days' notice thereof shall be given as hereinbefore mentioned.

Two directors to retire annually.

91. The names of the original directors of the Company shall be included in a list, representing their names and places of residence, arranged according to the number of votes by which each was elected; and on the first ordinary general meeting for the ensuing year, two directors resident in Durban having the lowest number of votes shall retire and two new ones be elected in their place; and such new directors shall be placed at the top of such list, according to the number of their votes. And every year two directors, the lowest on the list, shall go out, and new ones be elected and placed at the top of such list; provided, that any director so going out shall be eligible for re-election: and in case of an equality of votes, or of an election by show of hands as the case may be, the priority shall be decided by lot. And in like manner annually one of the Pietermaritzburg directors shall retire, and a new one be elected in his place.

Directors to continue to act till new ones are appointed.

92. If at any meeting at which an election of directors ought to take place no such election is made, the meeting shall stand adjourned till the next day at the same time and place; and if at such adjourned meeting no election takes place, the former directors shall continue to act until new ones are appointed at the first ordinary general meeting for the ensuing year.

Number of directors may be increased.

93. The Company may from time to time in general meeting increase the number of directors, and may also determine in what rotation such increased number of directors shall go out of office.

Moneys to be lodged in bank.

94. All moneys in hand and which shall hereafter be received shall be lodged in any banking-house in this Colony approved of by the directors or a majority thereof in the name of the Company hereinafter appointed, and shall be drawn therefrom only on the signatures of the chairman for the time being of the board of directors, countersigned by the secretary to the Company.

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95. The directors shall have power from time to time to make calls for money upon the several shareholders as the same shall be wanted for the purpose of carrying on the said undertaking, in respect of the moneys unpaid on their several shares, so as each call does not exceed £2 10s. per share, and is not made at a less distance than two months from the preceding call, and that at least sixty days' notice of such call be published in the *Government Gazette* and some newspaper; and in case any such subscribers neglect or refuse to pay the same, the said Company or directors are hereby empowered to sue for and recover the same, with interest after the rate of six per cent. per annum from the time appointed for the payment thereof.

Calls for unpaid moneys on shares, &c.

96. The Company may if they think proper receive from any shareholder willing to advance the same all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the moneys so paid in advance, or so much thereof as from time to time exceeds the amount of calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the shareholders paying such sum in advance and the Company may agree upon.

Amount of shares may be paid in advance.

97. For the better enforcing the payment of such calls, if any subscriber, for the space of thirty days next ensuing any such call, neglect or refuse to pay his rateable share, he shall forfeit the sum of £1 for every share held by him; and in case he continues to refuse or neglect for the space of three months, it shall be lawful for the said directors or Company at some general meeting, to declare the shares of such persons to be forfeited; and such forfeited shares may be sold at public sale by order of the said directors or Company to the highest bidder, and the moneys arising from such sale shall be applied for the purposes of this enactment: Provided, that no such share shall vest in the said Company until notice thereof has been given to the person, or to the clerk or other officer of any body politic in whose name such share stands in the register book; the same to be left at the place, or the last known place, of abode of the party ten days at least previous to such vesting: And in case the place of abode be unknown, then the notice shall be published in the *Government Gazette*, and in such other newspaper as the directors direct.

Forfeiture of share.

98. Provided also, that no share shall be forfeited if the owner thereof pay what appears by the statement on each notice to be due, together with interest for the same, and the aforesaid penalties for non-payment, and all expenses attending the application for the same: Provided also, that such forfeiture when taken advantage of, shall be an absolute indemnification and discharge to the holder of the shares so forfeited against all actions and proceedings for any breach of contract; and in case the money produced by the sale of any shares be more than sufficient to pay all arrears of any call, and lawful interest thereon, together with the expenses of such sale, the surplus money shall be paid, on demand, to the owner; and no more shares of any defaulter shall be sold than what may be deemed necessary to pay such arrears.

Forfeiture of shares an absolute discharge of all claims.

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Extraordinary
general meetings.

99. The directors may whenever they may think proper, and they are hereby required to, on receiving a requisition in writing signed by at least fifteen shareholders, holding in the aggregate not less than one-tenth of the capital stock of the Company, convene an extraordinary general meeting: such requisition shall express the object of the proposed meeting, and shall be left at the Company's principal office in Durban. If, upon receipt of such requisition, the directors do not convene a general meeting within twenty-one days, the requisitionists may themselves convene a meeting.

Notice of general meetings.

100. Fourteen days' notice at least, specifying the place, time, and purpose for which any general meeting is to be held shall be given by advertisement twice inserted in the *Government Gazette* and in one or more of the public newspapers of the Colony. At the first meeting of directors, and at the first of every successive board of directors, the said directors shall choose a chairman, who shall preside at all meetings of directors at which he shall be present; and in his absence such meeting shall elect an acting chairman, and in case of an equality of votes amongst the directors present at any of their meetings, the presiding member shall have a casting vote in addition to his own.

Election of chairman.

Quorum, how regulated.

101. No business shall be transacted at any meeting except the declaration of a dividend unless a quorum of shareholders is present, which shall be ascertained and regulated as follows: A quorum of directors shall be three: for every meeting of shareholders, if the number of shareholders in the Company at the time of the meeting does not exceed ten the quorum shall be five, if they exceed that number there shall be added to the above quorum one for every five additional shareholders up to fifty, and one for every ten additional shareholders after fifty; with this limitation, that no quorum shall in any case exceed forty.

Dissolution or adjournment of meetings.

102. If within one hour from the time appointed for the meeting the required number of shareholders is not present, the meeting, if convened upon the requisition of shareholders shall be dissolved; in any other case it shall stand adjourned until the following day at the same time and place; and if at such adjourned meeting the required number of shareholders is not present, it shall be adjourned *sine die*.

Chairman to preside.

103. The chairman for the time being of the board of directors shall preside as chairman at every meeting of the Company; if at any meeting he is not present at the time of holding the same, the shareholders present shall choose some one of their number to be chairman of such meeting.

Business at adjourned meetings.

104. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

Resolutions carried.

105. At any general meeting, unless a poll is demanded by at least five shareholders, a declaration by the chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company shall be sufficient evidence of the fact, without proof of the number or proportion of votes recorded in

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favour of or against such resolution. If a poll is demanded, in manner aforesaid, the same shall be taken in such manner as the chairman directs; and the result of such poll shall be deemed to be the resolution of the Company in general meeting.

106. All persons and bodies politic who have subscribed to or become entitled to any shares for raising the said sum of £10,000 shall have a vote or votes according to the number of shares for which they have subscribed, in manner following, that is to say: For and in respect of any number of shares not exceeding four shares, one vote; for and in respect of any number of shares exceeding four and not exceeding nine shares, two votes; for and in respect of any number of shares exceeding nine and not exceeding nineteen shares, three votes; for and in respect of any number of shares exceeding nineteen shares, four votes: and every question shall be decided by the majority of votes present at any meeting.

Qualification of voters, &c.

107. All persons entitled to vote at any meeting, and in case of bankruptcy or insolvency, or lunacy or infancy, the trustee, curator, guardian, or tutor of such person may, by writing, constitute any other shareholder his proxy to vote at any such meeting; and every such appointment shall be produced to the clerk, and entered in a book to be kept by him: Provided always, that no person, whether in his own right or by proxy or otherwise shall be entitled to more than twenty votes in all.

Votes by proxy.

108. No shareholder shall be entitled to vote in respect of any shares held by him unless the same be standing in the name of such shareholder in the regular book or register of shareholders, and unless the sum of money called from time to time due and payable at or before such meeting, and all arrears thereof have been duly paid.

Disqualification of voter.

109. If any persons are entitled jointly to any share or shares, the person whose name stands first on the register of shareholders as one of the holders of such share or shares shall be entitled to vote in respect of the same.

Joint shares.

110. The directors shall cause true accounts to be kept of the capital stock of the Company, of the sums of money received and expended by the Company, and the matter in respect of which such receipt and expenditure takes place, and of the credits and liabilities of the Company; such accounts shall be kept upon the principle of double entry, in cash-book, journal, and ledger; the books of account shall be kept at the principal office of the Company aforesaid, and, subject to all reasonable restrictions as to time and manner of inspecting the same that may be imposed by the Company in general meeting, shall be open to inspection of shareholders during the hours of business: and further, all other books of the Company shall at all reasonable times be open for inspection at the Company's principal office aforesaid, to any three shareholders nominated in a requisition for an inspection signed by at least twenty shareholders in said Company.

Accounts, how to be kept.

111. Twice at least in every year, namely, at the ordinary general meetings of said Company held in the months of February and August, the directors shall lay before the Company in general meeting a statement of the income and expenditure for the past

Half-yearly statements, how to be prepared.

Natal Railway.

half-year, made up to a date not more than thirty days before such meeting: such statement shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the expense of the establishment, salaries, and other like matters; every item of expenditure fairly chargeable against the half-year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over a longer period has been included in any one half-year, the whole amount of such item shall be stated, and, with the addition of the reasons why only a portion of such expenditure is carried to the income of the half-year. A balance sheet, duly audited as hereinafter provided, shall also at the same time be laid before the meeting by the directors; and such balance sheet shall contain a summary of the property and liabilities of the Company, arranged under the heads appearing in the schedule A hereunto annexed, or as near thereto as circumstances admit: and such statement and balance sheet shall lie at the principal office of the Company aforesaid for inspection of shareholders during business hours, for a space of not less than seven days previous to the day of meeting, and also a copy thereof shall be transmitted to the Company's bankers.

And audited.

112. The accounts and books of the Company shall be examined, and the correctness of the balance sheet determined by the auditors elected by the Company as hereafter provided: the auditors shall be supplied with a copy of the balance sheet, and it shall be their duty to examine the same, with the accounts and vouchers relating thereto: and every auditor shall be furnished with a list of all books kept by the Company, and he shall at all reasonable times have access thereto; and they or either of them may, in relation to such accounts, examine the directors or any of the officers of the Company.

Election of auditors.

113. The Company shall at the first ordinary general meeting after the passing of this Law elect two auditors, in like manner as is provided for the election of directors; and at the first ordinary general meeting of the Company in each year thereafter, the Company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision hereinafter mentioned; and every auditor elected as hereinbefore provided, being neither removed nor disqualified nor having resigned, shall continue to be an auditor until another be elected in his stead.

Qualification of auditors, and annual retirement.

114. Every auditor shall have at least one share in the undertaking; and he shall not hold any office in the Company, nor be in any other manner interested in its concerns, except as a shareholder. One of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority) shall go out of office at the first ordinary general meeting in each year; but each auditor so going out shall be immediately re-eligible; and, after any such re-election, shall, with respect to the going out of office by rotation, be deemed a new auditor.

Vacancy in the office of auditors.

115. If any vacancy take place among the auditors in the course of the current year, then, at any general meeting of the Company,

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the vacancy may, if the Company think fit, be supplied by election of shareholders.

116. The auditors shall make a report to the shareholders upon the balance sheet and accounts; and in every such report they shall state whether in their opinion the balance sheet is a full and fair balance sheet, containing the particulars required by this Law, and properly drawn up so as to exhibit a true and correct view of the Company's affairs; and such report shall be read, together with the report of the directors, at the ordinary meetings.

Auditors to report.

117. The directors shall cause to be kept, in one or more books, a register of shareholders; and there shall be entered therein the following particulars:

Register of shareholders.

1. The names, addresses, and occupations of the shareholders in this Company, and the shares held by each of them, distinguishing each share by its number.
2. The amount paid on each share by each shareholder.
3. The date at which the name of any person was entered in the Register of Shareholders.
4. The date at which any person ceased to be a shareholder in respect of any share.

118. At the ordinary general meetings of the Company, held twice in every year, the directors shall exhibit a list of all persons who are holders of shares in the Company; and such list shall state the names, addresses, and occupations (if any) of all the persons therein mentioned, and the number of shares held by each; and shall contain a summary specifying the following particulars:

Lists of shareholders.

1. The amount of the nominal capital of the Company, and the number of shares into which it is divided.
2. The number of shares taken, from the commencement of the Company to the date of the summary.
3. The amount of calls made on each share.
4. The total amount of calls that have been made.
5. The total amount of calls unpaid.
6. The total amount of shares forfeited.

The above list and summary shall be contained in a separate part of the register, and shall be in the form marked B in the schedule hereunto annexed, or as near thereto as circumstances admit. A copy of the said list and summary, properly authenticated under the seal of the Company, shall lie at the principal office aforesaid, for the inspection of shareholders during the hours of business.

119. The directors may at any ordinary meeting declare a dividend to be paid to shareholders in proportion to their shares; but no dividend shall be payable except out of the net profits arising from the business of the Company: and the directors shall, before proceeding to declare a dividend, set aside out of the profits of the Company a sum of not less than twenty per cent. of the same as a reserve fund to meet contingencies and for equalising dividends, or for repairing the works connected with the business of the Company, or any part thereof; and the directors may invest the sum so set apart as a reserve fund upon such securities as they may select.

Dividends.

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Deductions from dividends.

120. The directors may deduct from the dividends payable to any shareholders, all such sums of money as may be due from time to time to the Company, on account of calls or otherwise.

Notice and forfeiture of dividends.

121. Notice of any dividend that may have been declared shall be given to each shareholder, or sent by post or otherwise to his registered place of abode; and all dividends unclaimed for three years after having been declared may be forfeited by the directors for the benefit of the Company. No dividend shall bear interest against the Company.

Directors not liable.

122. The directors and other officers of the Company shall not be personally answerable or liable for any losses, cases, charges, damages, or expenses which they or any of them may occasion or sustain in and about any matter or thing relating to the affairs of the Company: Provided, the same shall not arise from their own culpable negligence or misconduct.

Certificate of shares.

123. As soon as any shareholder shall have fully paid up any share or shares, the directors shall cause a certificate or certificates of such share or shares to be issued to him on the surrender of the scrip previously issued; and such certificate shall be in the form following, or as near thereto as circumstances may admit, and signed by at least three directors and countersigned by the secretary, that is to say:

" NATAL RAILWAY COMPANY.

" No.....

£10.

" This is to certify that , of
 " is the proprietor of Share No. , to the amount of
 " Ten Pounds sterling, in the Capital Stock of the above
 " Company, established by virtue of this Law, dated the
 " day of , 1859, with the approval of the
 " Directors.

" Durban, day of , 185 .

" }
 " } Directors.
 " }

"Secretary."

Transfer of shares.

124. The transfer of shares may be effected by endorsement, specifying the person to whom such scrip, share or shares, is transferred; but no such endorsement shall be valid unless approved by the directors at any of their meetings, and such approval be certified thereon by at least two of the directors, and countersigned by the secretary; and a memorial of such transfer shall be registered by the secretary of the said Company, for which the sum of one shilling and no more shall be paid by the transferee of such share; and until such registry, the transferee shall have no part of the profits of the said Company, nor any dividend on such shares paid to him, nor any votes in respect thereof: and after any call has been made as aforesaid, no person shall sell or transfer any share or shares which he possesses in the undertaking upon pain of forfeiting the same unless at the time of such transfer he has paid to the officer

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of the Company authorised to receive the same the sum or sums called for upon the share or shares so sold.

125. A certificate under the common seal of the Company, specifying any share or shares held by any shareholder, shall be *prima facie* evidence of the title of the shareholder to the share or shares therein specified.

Evidence of title to shares.

126. The Company may decline to register any transfer of shares made by a party who is indebted to them.

Transfer of shares may be refused.

127. For the purposes of this Company the directors shall immediately make application to Her Majesty's War Department, the Local Government, and the Corporation of the Borough of Durban for grants of land in sufficient quantity and eligible situations for constructing the proposed railroad and erecting the necessary termini thereof and other works: but no purchase of any immoveable property on behalf of the Company shall be determined and agreed upon unless at least seven days' notice of same be previously given to each director in writing.

Application for land, to whom to be made.

128. In case the Company shall fail in obtaining the grants of land necessary for the construction of the said railway, and the necessary wharf or wharves and termini, or at any time it shall appear to the directors, from a careful inspection of the books and affairs of the Company, that a loss by the working of the Company has been sustained amounting to one-half of the paid-up capital; or whenever it shall have been ascertained that more than the subscribed capital of £10,000 shall be required to complete the proposed line and work as set forth in the preamble, the directors shall in each case and they are hereby bound and required, on pain of personal responsibility, forthwith to call a special general meeting of shareholders; and shall then and there submit a true, full, and particular statement of the position, accounts, affairs, and prospects of the Company; and also submit for their determination the expediency of at once dissolving the Company: and the shareholders shall thereupon determine whether the Company shall be wound up or continued: provided that, for the purpose of winding up the Company, a majority of three-fourths of the votes taken at such meeting, in number and value, in favour of it shall be necessary.

Grounds upon which the Company may be wound up.

129. In the event of the Company being wound up, the existing shareholders shall be liable to contribute to the use of the Company to an amount sufficient to pay the debts of the Company, and the costs, charges, and expenses of winding up the same; with this qualification — that no contribution shall be required from any shareholder exceeding the amount (if any) unpaid on the shares held by him.

Liability of shareholders.

130. Provided, that whenever any act of the Company or of the directors thereof under the provisions of this Law, for the validity whereof certain previous notices or acts are hereby required to be given or done, shall be called in question in any Court of Law, such act of the Company or directors, as aforesaid, shall be presumed to have been done in pursuance of the requirements of this Law, and such previous notices and acts shall be presumed to have been

Company's acts held legal, unless proved otherwise.

Natal Railway.—Transfer Duty.

given and done until the contrary shall be *primâ facie* proved by the party alleging the non-compliance with the requirements of this Law.

This Law a public Law.

131. This Law shall be taken to be a public Law, and shall be taken notice of as such by all Courts of Law in this Colony.

Commencement of Law.

132. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

Given at Government House, this 21st day of June, 1859.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 1, 1860.

Law for facilitating the Naturalization of Aliens.

Repealed by Law No. 8, 1874, § 1.

LAW No. 2, 1860.

Law for applying a sum not exceeding £55,877 Os. 9d., for the service of the year 1861.

LAW No. 3, 1860.

For making further provision for the service of the year 1859.

LAW No. 4, 1860.

For making further provision for the service of the year 1860.

LAW No. 5, 1860.

(Signed) W. WILLIAMSON.

Law to amend the Law for regulating the Payment of Transfer Duty on the Sale and Transfer of Immoveable Property.

Preamble.

WHEREAS, certain clauses of the Law at present in force for regulating the payment of transfer duty upon the sale and transfer of immoveable property are oppressive in their operation and unsuited to the circumstances of this Colony, and whereas it is expedient to amend the said Law:

Transfer Duty.

1. Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

2. The Ordinance No. 3, 1846, shall be and the same is hereby repealed, except in so far as regards duties or additional duties incurred prior to the enactment of the present Law; which duties or additional duties shall continue to be payable under second and thirteenth sections of Ordinance No. 3, 1846, as if the said Ordinance were still in force: Provided always, it shall and may be lawful for the Governor for the time being, upon satisfactory cause being shown, to remit the whole or any portion of the additional duties payable under the thirteenth section of Ordinance No. 3, 1846.

Ordinance No. 3, 1846, repealed.

Governor may remit additional duties incurred prior to present Law.

3. For and in respect of every sale, whether private or public, of any immoveable or landed property or property held of Government upon quitrent or other leasehold tenure within the Colony of Natal (except as in the first schedule, marked No. 1, and hereunto annexed, is excepted), there shall be chargeable upon and payable by the purchaser a duty of four per centum upon the amount of the price of purchase-money paid or to be paid for the said property.

A duty of 4 per cent. payable on sales of immoveable property.

Vide Law 20, 1865, § 1.

4. Every sale or change of ownership of any interest in, right to, or expectation of any such property as aforesaid made by the person in whose name the original grant or title deed from the Crown shall have been or shall be issued or issuable, or by any person claiming from or under him, shall be chargeable with duty computed as aforesaid; and shall, unless it come within some of the exemptions enumerated in the annexed schedule marked No. 1, pay the same accordingly.

Same duty payable upon sale of the right of original grantee, or person claiming under him.

Vide Law 20, 1865, § 1.

5. When and as often as any such property as aforesaid standing registered in the Deeds' Registry Office of this Colony in the name of any one person, whether alive or dead, shall be removed from the name of that person and placed or registered in the name of any other person having legal right and title to the same, such removal shall be deemed and taken, for the purposes of the last preceding section of this Law, to be a changing of proprietors in regard to such property.

What acts to be deemed a change of proprietors for the purposes of the sixth section.

6. A duty of four per centum shall (except as in schedule No. 1, hereunto annexed, is excepted) be payable upon the value of any such property as aforesaid by every person becoming entitled to the same in every case in which it shall change proprietors by way of exchange, donation, legacy, testamentary or other inheritance, or generally in any manner whatsoever, otherwise than through the medium or by means of purchase and sale.

Same duty of 4 per cent. on property changing owners otherwise than by sale.

7. Whenever any such property as aforesaid shall be registered in the name of more persons than one as joint owners, all the said persons shall be deemed and taken, for the purpose of payment of duty upon or in respect of any sale or alienation by any of them to any other or others of them, to have equal shares or interests in the said property, unless the particular share or interest of each shall be declared and set forth by and upon the title deed or other instrument recorded in the Deeds' Registry Office.

Joint owners *primâ facie* owners of equal shares.

Transfer Duty.

Duties, to whom payable.

Vide Law 7, 1864, § 4.

Such persons to perform functions of "Receivers of Transfer Duty" hereinafter mentioned.

Declarations to be required by Receivers of Transfer Duty.

Vide Law 7, 1864, § 4.

Agent may make declaration in certain cases.

Vide Law 7, 1864, § 4.

When sale cancelled by mutual consent before transfer made, duties to be remitted.

Vide Law 7, 1864, § 4.

Declaration to be made.

Declaration may be dispensed with in certain cases.

When sale cancelled by order of Court, duty to be remitted.

Vide Law 7, 1864, § 4.

8. All duties payable under and by virtue of this Law shall be payable to the Registrar of Deeds, and to such other person or persons as the Lieutenant Governor of the Colony aforesaid shall, by proclamation in the *Natal Government Gazette* from time to time appoint. And the said Registrar of Deeds, and such person or persons, shall possess and perform the several functions by this Law enacted to be possessed and performed by the persons hereinafter designated "Receivers of Transfer Duty."

9. No such Receiver of Transfer Duty as aforesaid shall receive the amount of any such duty as aforesaid payable upon or in respect of any sale and purchase of any such property as aforesaid, until either the seller shall have made and subscribed the form of declaration set forth in the schedule marked No. 2 hereunto annexed, or the purchaser shall have made and subscribed the form of declaration set forth in the schedule marked No. 3 hereunto annexed. And in case of a change of proprietors, otherwise than through the medium or by means of purchase and sale, the duty as aforesaid shall not be received until the donor and donee respectively shall have made and subscribed the form of declaration of donor set forth in schedule No. 4, and declaration of donee set forth in schedule No. 5 hereunto annexed.

10. When and so often as it shall appear to any Receiver of Transfer Duty that any agent or other person acting for and on behalf of any such seller or purchaser of any such property as aforesaid has himself, in his said capacity, made and entered into the contract of sale or purchase, then it shall be lawful for such Receiver of Transfer Duty to demand and receive the declaration of such agent or other person as aforesaid either in lieu of or in addition to that of his principal, according as such Receiver of Transfer Duty shall under the circumstances of the case deem fit; and the declaration to be made and subscribed by every such agent or other person as aforesaid shall be in the form set forth in the schedule No. 6 hereunto annexed.

11. When and as often as any contract of sale upon which any transfer duty shall be payable shall be, by mutual consent of the vendor and purchaser, cancelled and rescinded before transfer made, without any part of the purchase-money having been paid, or any valuable consideration given or promised by or on behalf of the purchaser for the purpose of obtaining the consent of the vendor to such cancellation, the transfer duty upon such sale shall be remitted: Provided, that the vendor and the purchaser, or the agents, shall make in reference to such cancellation solemn declarations, which shall be in substance as in the schedules marked 7 and 8 to this Law annexed: Provided also, that the Receiver of Transfer Duty may, when in case of death or other cause any vendor or purchaser shall be unable to make any such declaration, dispense with the declaration of such vendor and purchaser.

12. When and as often as any contract of sale upon which any transfer shall be payable shall be set aside or declared or made void by the judgment of any competent Court, the transfer duty upon such sale, if unpaid, shall not be payable; and if paid (provided the transfer has not been executed), it shall be returned,

Transfer Duty.

13. When and as often as it shall be made to appear to any Receiver of Transfer Duty by any person who shall have sold any property upon which sale transfer duty shall be payable, that the purchaser of such property cannot be discovered within the Colony, or has left the Colony without taking transfer and without paying any part of the purchase-money, and that such vendor is unable to obtain or enforce the fulfilment of the contract, it shall be lawful for any Receiver of Transfer Duty to permit the vendor aforesaid, in case he shall sell the property over again, to make the necessary alteration in the form of solemn declaration to be made by him in reference to such second sale: Provided, that nothing herein contained shall alter or affect the Law in reference to the respective rights or remedies of such vendor and such purchaser in regard to such first or original sale.

How where purchaser has left Colony without paying purchase price or taking transfer, and seller wishes to sell over again.

Vide Law 7, 1864, § 4.

14. In the case of a fresh or second sale of any property which was included in any such sale as in the eleventh, twelfth, and thirteenth sections aforesaid mentioned, the solemn declaration to be made by the vendor in regard to such fresh or second sale shall be altered in the manner indicated in the schedule marked 9 to this Law annexed.

Form of declaration in cases mentioned in the three preceding sections.

Vide Law 7, 1864, § 4.

15. The several declarations mentioned in this Law shall be made and subscribed before any Receiver of Transfer Duty, or before any Resident Magistrate or Justice of the Peace, who are hereby authorised and required to attest the same. And any person who shall wilfully and corruptly make and subscribe any declaration in this Law mentioned knowing the same to be untrue in any material particular, shall be deemed to be guilty of the crime of perjury; and shall upon conviction thereof, suffer such punishment as shall be by law provided for the crime of perjury.

Declarations, to be taken before whom.

Vide Law 7, 1864, § 4.

Penalty for false declaration.

16. If in any case it shall be made to appear that the seller or the purchaser of any such property as aforesaid has died or departed from the Colony without having made or subscribed the declarations hereinbefore mentioned, it shall and may be lawful for the Receiver of Transfer Duty either to dispense with such declaration altogether, or to receive in lieu thereof the declaration or declarations of such other person or persons as may, under the circumstances of the case, be in a condition to testify to the particular matters to be set forth in such declaration: Provided, however, that in the event of one declaration being dispensed with, as aforesaid, it shall be the duty of the Receiver of Transfer Duty to write upon the other declaration his reason for so doing.

Cases in which declaration of purchaser or seller may be dispensed with.

Vide Law 7, 1864, § 4; and Law 20, 1865, § 3.

17. The duty chargeable upon every sale or change of proprietors shall be paid within six months after the date of such sale or change of proprietors.

Duty to be paid within six months.

Vide Law 7, 1864, § 4.

18. Should such duty remain unpaid at the expiration of the aforesaid space or term of six months, then the amount of such duty, together with a further sum equal to interest thereupon at the rate of twelve per centum per annum, computed from and including the day immediately following that on which the said term of six months shall have expired, shall thenceforth become chargeable upon or against the party in default.

If not so paid, interest to be charged thereon.

Vide Law 7, 1864, § 4.

Transfer Duty.

When valuation necessary, how it is to be made.
Vide Law 20, 1865, § 3.

19. For the purpose of ascertaining the value of all such property as aforesaid changing proprietors otherwise than through the medium or by means of sale and purchase, and chargeable with duty under the provisions of this Law, it shall be the duty of the Receiver of Transfer Duty to appoint some competent and disinterested person or persons to ascertain upon oath the just and fair value of such property; and the reasonable expenses of such valuation shall be payable by the person chargeable with the payment of the duty; and the amount at which such valuator or valutors shall value the said property shall be the amount upon which duty shall be chargeable: Provided, however, that nothing herein contained shall be held or taken to prevent any person who shall conceive himself aggrieved from bringing such valuation in review before any Court having jurisdiction.

Where declared purchase price appears much less than the value of the property, valuation to be made.
Vide Law 20, 1865, § 3.

20. When in any case of sale and purchase of any such property as aforesaid (not being a sale or purchase by public auction, made *bond fide* and without collusion), it shall appear to the Receiver of Transfer Duty who is to receive the duty that the price or purchase-money of the same is considerably less than its just and fair value, it shall be competent for the said Receiver of Transfer Duty to cause a valuation of the said property to be made in manner and form as in the last preceding section mentioned; and in case the value ascertained as aforesaid shall exceed the amount of the said price or purchase-money by one-third of the amount of such price or purchase-money, then the amount of such valuation shall for the purposes of this Law be deemed and taken to be the price or purchase-money of such property; and duty thereupon, together with the reasonable expenses of such valuation, shall be paid by the purchaser. But in case such value shall not exceed the said price or purchase-money to the extent of one-third thereof, then duty shall be received upon such price or purchase-money, and the expense of the valuation shall be borne by Government: Provided, however, that nothing herein contained shall be held or taken to prevent any person who shall conceive himself aggrieved from bringing such valuation in review before any Court having jurisdiction.

Mode of proceeding when exemptions from duty are claimed.
Vide Law 20, 1865, § 3.

21. Whenever any person requiring to have any transfer or change of name effected in the Deeds' Registry Office of this Colony shall claim to be exempted from the payment of duty under and by virtue of any of the exemptions mentioned and contained in the schedule No. 1 hereto annexed, it shall be the duty of the Registrar of Deeds to require due proofs of all facts and circumstances by reason or on account of which such exemption is demanded; and he is hereby empowered to administer, when it shall seem to him necessary, an oath to such person or persons as shall come before him to give evidence or make any statement touching the claim to any such exemption; and he may also require the production of any deeds or instruments connected with the case, and tending to show whether or not such exemption ought by law to be allowed.

Disputes in regard to exemptions to be decided by a

22. When and as often as any question shall arise between the Registrar of Deeds and any person claiming to be entitled to any such exemption as aforesaid, regarding the right to such exemption

Transfer Duty.

or the extent of that right, or generally any matter concerning the amount upon which any such person should justly and legally be chargeable with duty, it shall and may be lawful for the Chief Justice of the Colony, or any other of the Judges of the Supreme Court, sitting in chambers, to hear the said Registrar of Deeds and the said person, or any person or persons representing each respectively, as to the matter in question, and to examine the proofs (if any) which shall have been offered in support of the claim to exemption, and to call for such further proof as may be necessary, and in a summary manner to make, if he shall so think fit, such order in the premises as shall to justice appertain: Provided always, that either the said Registrar of Deeds, or any person claiming to be entitled to any such exemption as aforesaid, may bring the order so made in any such case by way of appeal before the Supreme Court, in order that the same may be heard and determined by the said Court.

Judge in Chambers.
Vide Law 7,
1864, § 4; and
Law 20, 1865, § 2.

Appeal.

23. All duties chargeable under and by virtue of this Law shall be recoverable by the officer to whom under and by virtue of this Law the particular duty in question shall be payable by action or suit in any competent Court; and no property liable to duty shall be transferred in the office of the Registrar of Deeds until the receipt of the proper officer for the payment of the duty shall have been produced to and deposited with the said Registrar, and the declaration of purchaser and seller or donor and donee shall both have been deposited with the Registrar of Deeds.

Duties, by whom recoverable.
Vide Law 7,
1864, § 4.
Transfer not to be granted until receipt for duty, &c., is produced.

24. No surviving spouse shall be chargeable with any transfer duty upon a purchase, or taking over by appraisement, or other mode of acquiring any of the immoveable property of the joint estate; and every such surviving spouse, if a widow, may have such property, standing registered in the name of her deceased husband, registered in her own name without the payment of any duty.

Surviving spouse not chargeable with duty on property of the joint estate.

25. That this Law shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette* after the passing thereof.

Law, when to commence.

SCHEDULE No. 1.

Schedules.

A. When any person appearing upon the records of the Deeds' Registry to be a joint owner of any property shall purchase that property, he shall not be charged with duty upon that proportion of the purchase-money which represents his individual share or interest.

B. Any person who, either in the ascending or descending line, would be the heir or one of the heirs, *ab intestato*, of any deceased person, and who shall, being entitled as an heir or legatee in the estate, purchase or take over the immoveable property in the estate

Transfer Duty.

or any part thereof, shall not be chargeable with duty upon so much of the purchase-money or value of such property as represents his share, considered as or as if an heir *ab intestato*; and the husband of any such heir or legatee, or the tutor, curator, or authorised agent or trustee of any such heir or legatee purchasing for or in the name of such heir or legatee shall be deemed and taken to be such heir for the purpose of this exemption.

C. Any heir or legatee of any deceased person, being such a person as has been above described under letter B, who shall require to have any of the immoveable property inherited by him from the deceased, or by the deceased legated or pre-legated, to remove from the name of the deceased into his own name, shall not be chargeable with duty upon the amount of his share in the property so to be transferred, in case or supposing that the deceased died intestate.

D. Every surviving spouse, being either the sole or a joint heir, *ex testamento*, of his or her deceased spouse, shall, for the purpose of the exemption provided as aforesaid under letter C, be regarded as if an heir *ab intestato* of the deceased spouse.

E. When any surviving spouse shall have been instituted as sole and universal heir of the first dying spouse, which first dying spouse shall leave children him or her surviving, such children shall respectively be entitled (unless wholly and lawfully disinherited) to the exemptions provided as aforesaid under the letters B and C, precisely as if they, together with the surviving spouse, had been instituted joint heirs of the deceased.

F. The husband of any female, to whom he shall be married in community of property, may have any property standing in the Deeds' Registry Office in the unmarried name of such female removed unto his own name without the payment of any duty.

G. As often as the owner of any immoveable property, being a husband or intended husband, or being an intended wife, or being the parent of a husband or wife, or of an intended husband or intended wife, shall agree or determine to vest such property in a trustee or trustees, for the purpose of thereby making a provision for the support of the marriage, or for the wife or intended wife, or for the children of the marriage, transfer of such property may be made to such trustee or trustees without the payment of any duty: Provided, that this exemption shall only extend to cases in which no consideration other than an intended marriage or natural love and affection for or towards both or one or other of the spouses or the children of their marriage, shall be given to the owner of the property proposed to be vested in trustees upon the trusts aforesaid, or upon trusts of the like nature.

H. In every case in which any person shall, by the records in the Deeds' Registry Office, appear to be merely a trustee for any other person, whether the latter shall be a minor or major, or under coverture or not, the property so held in trust may be removed from the name of the trustee to that of the other party being entitled to have it so removed, without the payment of any duty.

I. In every case of voluntary or compulsory partition between joint owners of immoveable property, and appearing as such in the records of the Deeds' Registry, all changes in the records of the

Transfer Duty.

Deeds' Registry required for the due registration of the separate shares to be held by each in severalty shall be made without the payment of any duty.

K. In every case in which property shall be required to be transferred to public institutions for religious, educational, benevolent, literary, or scientific purposes, such property shall be exempt from the payment of all transfer dues and fines.

Vide Law 39,
1874, § 6.

SCHEDULE No. 2.

DECLARATION FOR SELLER.

I, _____, do solemnly and sincerely declare that the sum of _____ is the full and entire purchase-money for which I sold certain _____ to _____; and I do declare that I sold the same to the said _____ on the _____ day of _____, and not before; and that I am not to receive any other valuable consideration for or in respect of the alienation of the said property; and I do further declare that the said sale was made direct by me to the said _____, and not to any other person through him: And I make this solemn declaration, conscientiously believing the same to be true.

Declared before me, this _____ day of _____, 18 ____.

SCHEDULE No. 3.

DECLARATION FOR PURCHASER.

I, _____, do solemnly and sincerely declare that the sum of _____ is the full and entire purchase-money given or to be given by me to _____ for certain _____ bought by me from him; and I do declare that I bought the same from the said _____ on the _____ day of _____, and not before; and that I have not, nor has any person to my knowledge, on my account given, nor is there by me or on my behalf to be given, any other valuable consideration of any kind whatever for or in respect of the alienation to me of the said property: and I make this solemn declaration, conscientiously believing the same to be true.

Declared before me, this _____ day of _____, 18 ____.

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SCHEDULE No. 4.

DECLARATION FOR DONOR.

I, _____, do solemnly and sincerely declare that the sum of _____ is the full and entire value of _____ given by me to _____ . And I declare that I gave the same to the said _____, on the _____ day of _____, and not before; and that I am not to receive any valuable consideration for or in respect of the alienation of the said property: and I make this solemn declaration, believing the same to be true.

Declared before me, this _____ day of _____, 18 .

SCHEDULE No. 5.

DECLARATION FOR DONEE.

I, _____, do solemnly and sincerely declare that the sum of _____ is the entire value of certain _____ received by me from A. B.; and I do declare that I have received the said _____ from the said _____ on the _____ day of _____, and not before; and that I have not, nor has any person to my knowledge, on my account given, nor is there by me or on my behalf to be given, any valuable consideration of any kind whatever for or in respect of the alienation to me of the said property: and I make this solemn declaration, believing the same to be true.

Declared before me, this _____ day of _____, 18 .

SCHEDULE No. 6.

DECLARATION OF AGENT.

I, _____, do solemnly and sincerely declare that I have acted as the agent of _____, in the making of the _____ of certain _____ sold _____; and that I know, of my knowledge, the amount of the purchase-money thereof: and that I do further declare that the said _____ was made on the _____ day of _____, and not before; and that the sum of _____, to be paid by the said _____ to the said _____, is, to the best of my knowledge and belief, the full and entire purchase-money to be given and received by the said persons respectively in regard to the alienation of the said property by the one of them to the other of them; and that to the best of my knowledge and belief no further or other valuable consideration

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has been given or is to be given by or on behalf of the said
to for or on behalf of the said property: and I make this
solemn declaration, conscientiously believing the same to be true.

Declared before me, this .
day of , 18 .

SCHEDULE No. 7.

I, , do solemnly and sincerely declare that I sold
to on the day of , the
property following, namely: for the sum of
; and I declare that I have never received any sum
of money or other valuable consideration for the said
on account of the said purchase; and I further declare that I have
consented and agreed with the said to cancel by mutual
consent the said sale; which sale was, on the day of
cancelled accordingly. And I further declare, that I
have not received, nor am I to receive, from the said ,
or any other person, any money or any other valuable consideration
for or in reference to my consent to the cancellation of the said sale.

Declared before me, this
day of , 18 .

SCHEDULE No. 8.

I, , do solemnly and sincerely declare that I
bought from on the day of ,
the property following, namely: for
the sum of ; and I declare that I have never given
to the said any sum of money or other
valuable consideration on account of the said purchase; and I
further declare that I have applied to the said
to consent to cancel the said sale, which sale has
accordingly been cancelled by mutual consent. And I further declare
that I have not given, nor am I to give, nor has any person on my
behalf to my knowledge given, nor is any person to my knowledge
to give, any money or other valuable consideration for or in reference
to the cancellation of the said sale: and I make this solemn decla-
ration, conscientiously believing the same to be true.

Declared before me, this
day of , 18 .
2 R

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SCHEDULE No. 9.

I, _____, do solemnly and sincerely declare that the sum of _____ is the full and entire purchase-money for which I have sold _____ to _____, and declare that I sold the same to the said _____ on the _____ day of _____, and not before; and that I am not to receive any other valuable consideration for or in respect of the alienation of the said property. And I do further declare that the only person other than the said _____ to whom I ever sold the said property, or who at any time purchased the said property from me was _____, to whom I sold the same on the _____ day of _____. And I further declare that the said sale to the said _____ has been cancelled by mutual consent, and that the transfer duty thereupon has been remitted (or in regard to § 11: *and I further declare that the said sale has been set aside by a judgment of the Supreme Court, bearing date the _____ day of _____, pronounced in a suit wherein _____ was the plaintiff, and _____ was the defendant.* Or in regard to § 12: *and I further declare that the said _____ has, to the best of my knowledge and belief, left the Colony, or cannot be discovered within it (as the case may be); and that he has not paid me any part of the purchase-money agreed to be paid; and that I have received from His Excellency the Governor the permission herewith annexed to make this special declaration*): and I make this solemn declaration, believing the same to be true.

Declared before me, this _____ day of _____, 18 ____.

Given at Government House, this 31st day of July, 1860.

By command of His Excellency the Acting Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 6, 1860.

Law for making provision in respect of the Substitution in certain cases of Declarations for Oaths.

Repealed by Law No. 18, 1862, § 1.

LAW No. 7, 1860.

Law to repeal Law No. 10, 1858; and to make provision for defraying the Expenses of certain Members of the Legislative Council of Natal.

Repealed by Law No. 17, 1869, § 1.

Harbour Works' Loan.

LAW No. 8, 1860.

(Signed) W. WILLIAMSON.

Law for raising a Loan of £165,500.

WHEREAS, certain plans have been proposed by Captain Vetch, R.E., of the Harbour Department of the Admiralty, for the construction of works to improve the Harbour of Natal:

Preamble.
Vide Law 16,
1871.

And whereas, the costs to be incurred in the construction of the said works are estimated at £165,500, and it is expedient to make provision for raising, by way of loan, a sum not exceeding £165,500 to defray the expenses of the said works:

Be it therefore enacted, by the Acting Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall be lawful for the Governor or officer administering the Government to raise and take up upon debentures, or such other form of loan as he shall consider preferable, such sum or sums of money, not exceeding in the whole One hundred and sixty-five thousand five hundred pounds, as may be required for defraying the costs of construction of works for the improvement of the harbour in the preamble mentioned.

For raising loan
of £165,500 for
improvement of
the harbour.

2. Every bond, debenture, or other security granted under this Law shall bear interest after a rate not exceeding six pounds for every one hundred pounds by the year; and such interest shall be payable at such times and places as shall in such bond, debentures, or other security be fixed and named for that purpose.

Interest on every
bond, debenture,
or other security
not to exceed
six per cent.

3. Every bond, debenture, or other security granted or issued under this Law shall be signed on behalf of the Colony of Natal by the Secretary and Treasurer of the Colony.

Bond, debenture,
or other security
to be signed by
the Secretary and
Treasurer of the
Colony.

4. All and singular each and every sum or sums of money borrowed or raised under and by virtue of this Law, together with such interest as may from time to time accrue thereon, shall be, and the same are hereby charged on and made payable out of the revenue of the Colony of Natal, in preference to all other payments which now or hereafter may be charged upon the said revenue, save and except the sum of £8,750 already reserved and made payable annually to Her Majesty under the provisions of the Royal Charter of Natal.

The amount bor-
rowed, together
with interest, to
be a charge on
the revenue of
the Colony in
preference to all
other payments,
excepting the
sum reserved by
Royal Charter.

5. All and singular the principal sums so to be borrowed and raised under and by virtue of this Law shall be repaid within a period of twenty-three years from the several days on which the said principal sums shall have been respectively borrowed and raised.

Loan to be
repaid within
twenty-three
years.

6. The Governor or officer administering the Government shall pay yearly, out of the general revenue of the Colony of Natal, such sum as shall be equal to nine per centum per annum on the total of the principal sum from time to time borrowed.

Nine per cent. to
be paid yearly on
the total of the
principal sums
from time to
time borrowed.

7. The Governor or officer administering the Government, after payment of the interest thereout as the same shall from time to time become due, shall invest or cause to be invested the residue thereof, as a sinking fund, in the purchase of Government securities

Creation of
sinking fund.
Vide Law 16,
1871, § 13.

Harbour Works' Loan.—Natal Railway.

of Great Britain and Ireland; and shall invest or cause to be invested the dividends, interest, or annual produce arising from such investment in the same manner as aforesaid, so that the same may accumulate by way of compound interest.

Deficiencies of sinking fund to be paid out of surplus revenue.

8. The Governor or officer administering the Government shall, out of the surplus revenue of the Colony, pay off and discharge any deficiency that may occur or arise from the sinking fund at the respective times appointed for the payment of said bonds, debentures, or other securities.

Moneys raised to be applied to the construction of the harbour.

9. All and every the sum or sums of money that shall be raised under and by virtue of this Law shall be applied in and about the construction of the works for the improvement of the Harbour of Natal as devised by Captain Vetch, in the plans in the preamble of this Law before mentioned.

Commencement of this Law.

10. This Law shall commence and take effect from and after the proclamation by the Governor in the *Government Gazette* of Her Majesty's assent to the same.

Given at Government House, this 9th day of October, 1860.

By command of His Excellency the Acting Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

(Signed) W. WILLIAMSON.

Law to amend the Law entitled, a "Law for the Incorporation of the Natal Railway Company," passed on the 21st day of June, 1859.

Preamble.

Vide Laws 21st June, 1860, and 13rd Aug., 1863; and Laws 6, 1875, and 18, 1876.

WHEREAS, by the second section of the Law entitled, a "Law for the Incorporation of the Natal Railway Company," the said Company were authorised and empowered to make, complete, and maintain a Railway, commencing from or near the Custom House at the Point near Durban and terminating on the Market Square of the Town of Durban:

And whereas, the directors of the said Company have deemed it desirable, in order to avoid the outlay of a large sum of money from the funds of the said Company in and upon the lease or purchase of the necessary lands on the said Market Square from the Mayor, Councillors, and Burgesses of the Borough of Durban, and in deference to the objections of a large number of Burgesses of the said borough to the placing of the terminus on the said Market Square, to fix their terminus as originally proposed on adjoining lands belonging to the War Department of Her Majesty's Government (with the consent of the proper officers of such department),

Natal Railway.

as delineated and described on the plan of the said Railway which has been deposited with the Clerk of the Peace for the County of Durban: and the said terminus has been fixed and made upon such lands of the said War Department accordingly:

And whereas, it is necessary to obtain the necessary legislative sanction for such alteration in the site of the said terminus at Durban:

And whereas, it has been found desirable and necessary for the due and efficient working of the said Railway, and of the conveyance of goods and merchandise thereby, to extend the wharf already erected, and to give increased facilities by the erection of larger warehouses than were at first contemplated, and to purchase boats: and the capital of the said Company, consisting of one thousand shares of ten pounds each, is insufficient for effecting the objects and purposes aforesaid: and it is proposed that the directors shall have power to increase the capital of the said Company by issuing five hundred additional shares of ten pounds each:

And whereas, it is desirable to alter and amend the said Law in other respects:

Be it therefore enacted, by the Acting Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. That so many of the provisions of the said Law of 1859, entitled, a "Law for the Incorporation of the Natal Railway," as may be repugnant to or inconsistent with any of the provisions of this Law are hereby repealed.

Repeal in part of former Law of 21st June, 1859.

2. The said Company shall be, and they are hereby authorised and empowered, by themselves, their deputies, agents, officers, and workmen, to complete and maintain a Railway, commencing from or near the Custom House at the Point near Durban and terminating on lands belonging to the War Department of Her Majesty's Government, situate near the junction of Gardiner Street and Pine Terrace in the said Town of Durban, as shown and delineated on the plan of the said Railway, and described in the references inscribed on the said plan which have been deposited with the Clerk of the Peace for the County of Durban; and that in as full and ample a manner as if the said lands of the said War Department had been fixed and determined on in and by the said recited Law as and for the site of the terminus at the Town of Durban.

Removal of Durban Terminus authorised.

3. That the said Company, and the directors thereof for the time being, acting in the execution of the powers of the said recited Law, and all agents, officers, and workmen acting under them, shall be and they are hereby held harmless and indemnified from all liabilities, damages, suits, and proceedings in respect of removal of the said terminus from the Market Square of the Town of Durban, as fixed and determined on as the site thereof in and by the said recited Law, to the aforesaid lands adjoining belonging to the said War Department, and for all acts done by them in pursuance of and in effecting such alteration in the site of such terminus.

Indemnification of officers in such removal of terminus.

4. The directors shall be, and they are hereby authorised and empowered from time to time to issue new shares in the said Com-

Issue of new capital authorised not to

Natal Railway.

exceed five hundred shares.

pany of the value of ten pounds each, upon such terms and conditions as to the price and time or times of payment thereof as the directors shall from time to time in their discretion determine upon: Provided, that the total number of additional shares to be issued in pursuance of this clause shall not exceed five hundred shares: and provided that notice be inserted in the *Government Gazette* and one of the local papers, one month previous to the issuing thereof, stating the number of shares to be issued and the terms on which such new shares are to be offered to the public, in case they are not to be previously offered to the shareholders, or if so offered are not applied for or allotted to them. And the proprietors of any such additional shares shall be subject to the same liabilities and restrictions in respect thereof as are in the said recited Law enacted and declared of and concerning the proprietors of original shares in the said Company. And the proprietors of such additional shares who shall have complied with the terms and conditions on which the same shall be issued, or with such of them as such proprietors ought and are bound at any particular time to have complied with, shall have and enjoy the same rights and privileges in respect thereof as are given to the proprietors of original shares in the said Company.

Power to borrow on mortgage extended to increased capital.

5. That in the exercise by the directors of the power to borrow money on mortgage bond given and contained in the said recited Law, the capital of the Company shall be estimated at fifteen thousand pounds. And the provisions of the said recited Law, as to the limit of the amount to be borrowed and the proceedings to be had and taken upon any such borrowing, shall apply to the capital of the Company as hereby extended as if such extended amount had been the capital of the Company originally fixed upon under and by virtue of the said recited Law.

Power to purchase boats, lighters, &c., and to use same for conveyance of cargo, &c., to and from ships.

6. That the directors shall be, and they are hereby authorised and empowered, as soon as they shall in their discretion see fit, to purchase and maintain or hire and provide all necessary lighters and boats for the conveyance of passengers, goods, merchandise, machinery, cattle and horses or other live stock, sand or other ballast, and generally of ships' cargo from the Company's wharf, Custom House wharf, or other shipping place to any ship or other vessel that shall be loading in the inner harbour or outer anchorage of Port Natal, and for the conveyance of passengers, goods, merchandise, machinery, cattle and horses or other live stock, sand or other ballast, and generally of ships' cargo from any ship or other vessel in the inner harbour or outer anchorage of Port Natal to the Company's wharf, Custom House wharf, or other landing-place: Provided always, that the said Railway Company shall according to their powers afford all reasonable facilities for the receiving and forwarding and delivery of goods upon the said Railway; and also for the receiving at and delivery from their wharves or depôts all passengers, merchandise, machinery, and goods of every description, cattle and horses, brought for the purpose of travelling or for conveyance over and upon the said Railway by the wagons, boats, or other vessels, of any parties whomsoever. And the said Railway Company shall not make or give any undue or unreasonable preference or advantage to or in

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favour of any particular person or company, or any particular description of traffic in any respect whatsoever; nor shall such Railway Company subject any particular person or company, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

7. The Company are hereby authorised and required to carry and convey upon the Railway all such passengers as shall present themselves for that purpose, and to make such reasonable charge in respect thereof as the directors may from time to time determine on, not exceeding one shilling by first-class seats and sixpence by second-class seats for the conveyance of every passenger from one terminus to the other, or for any less distance: Provided, that Her Majesty's military officers and soldiers and members of any militia or volunteer corps on duty shall be conveyed free of charge on the said Railway by any usual train.

Charges for passenger conveyance, military excepted.

8. The Company are hereby authorised and required to carry and convey by any usual train upon the Railway and the tramway when made in manner provided by the said recited Law, or by any boats or lighters, all such goods as shall be offered for that purpose, and to make such reasonable charges in respect thereof as the directors may from time to time determine on, not exceeding the following charges:

Tariff of charges
Vide Law, 3rd
Aug., 1863,
§§ 11, 13.

£ s. d.

For receiving of goods from any ship or lighter at the wharf of the Company at the Point, carriage from the terminus at the Point to and delivery at any part of the Town of Durban: for every ton weight of heavy goods, or for every quantity recognized as such as per schedule hereunto annexed (marked C), or for every forty cubic feet of goods by measurement, at the option of the Company	...	...	0	6	0
For collecting goods in the Town of Durban and delivering the same at the vessel or lighter at the wharf at the Point, for the like weight, quantity, or measurement of goods, at the option aforesaid	...	...	0	6	0
For the conveyance of goods from the Company's wharf to any ship in the outer anchorage of the Port of Natal, and <i>vice versa</i> , for the like weight, quantity, or measurement of goods, at the option aforesaid, per ton	...	...	0	10	0
For the conveyance of goods from the Company's wharf to any ship in the inner harbour of the Port Natal, and <i>vice versa</i> , for the like weight, quantity, or measurement of goods at the option aforesaid	0	2	0

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	£	s.	d.
For portorage in removing any goods from the Company's wharf, and placing them in any warehouse at the Point not belonging to the Company, and <i>vice versa</i> , for the like weight, quantity, or measurement of goods, at the option aforesaid	0	1	6
For the conveyance of stone to be used at the Harbour Works from one terminus to the other by the trucks or wagons belonging to Her Majesty's Colonial Government, per ton... ..	0	0	1

And so on in proportion for any less quantity of goods than a ton in weight or forty cubic feet in measurement, except that where the goods received by the Company and awaiting delivery on any one day for any one person or firm shall not exceed seven hundredweight by weight or fourteen cubic feet by measurement the same shall be chargeable as hereinafter provided: Provided that the foregoing rates shall be known and hereinafter referred to as tonnage rates.

Parcel rates
authorised.

9. That where goods received by the Company and awaiting delivery on any one day for any person or firm shall not exceed seven hundredweight in weight, or fourteen cubic feet in measurement the same shall be considered as parcels. And the Company shall be authorised and empowered to make such reasonable charges in respect of every such separate parcel as the directors may from time to time determine on, not exceeding the following charge:

	£	s.	d.
For the collecting, receiving, conveyance, and delivery as aforesaid of each such separate parcel not exceeding one cwt. by weight or two cubic feet by measurement, at the option of the Company	0	1	0
For the like service as to each such separate parcel exceeding one cwt. or two cubic feet and not exceeding seven cwt. by weight or fourteen cubic feet by measurement, at the option aforesaid	0	2	0

Military stores,
&c., free.

10. Provided, that the said Company shall convey free of charge on the said Railway by any usual train from one terminus to the other all goods, stores, and materials for the use of Her Majesty's troops, or for the use of Her Majesty's Imperial Government; and shall, when required so to do by the officer in charge of such goods, give precedence and priority to the conveyance of such goods over other goods.

Stores, &c., for
Natal Govern-
ment charged
with one-tenth
less than ordi-
nary goods.

11. Provided also, that the said Company shall convey on the said Railway by any usual train from one terminus to the other all goods, stores, and materials for the use of Her Majesty's Government of Natal at a charge one-tenth less than the amount charge-

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able on goods belonging to private individuals of the like weight or measurement and description of article under the rates at the time in force.

12. Provided also, that in case the directors shall at their discretion agree with any merchant or trader or trading partnership in this Colony to settle and adjust the accounts of goods conveyed by the Company for such merchant, trader, or firm, and the charges in respect thereof, by monthly or other periodical settlements, the charges in respect thereof shall be settled and adjusted on the footing of the tonnage rates hereinbefore authorised to be taken.

Adjustment of accounts with merchants at tonnage rates at discretion of directors.

13. That in respect to gold and silver coin of the realm and of any foreign state, and gold or silver in a manufactured or unmanufactured state, and precious stones, jewellery, watches, clocks, and time-pieces, of whatever description, bills, notes of the Governor and Company of the Banks of England, Scotland, and Ireland respectively, or of any other bank of the United Kingdom, or of any of its dependencies, or of any foreign country, or any bills, notes, orders, or securities for the payment of money whatsoever, title-deeds, maps, glass, china, silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with any other materials, furs and laces and any or either of such articles contained in any bale, parcel, or package which shall be collected or received, conveyed and delivered as aforesaid, the said Company may demand and require in respect thereof an amount over and above the authorised tonnage or parcel rates respectively not exceeding one-sixth part of such rates respectively.

Extra charge for conveyance of valuable articles herein stated.

14. That for the storing of goods in the bonded or other warehouses belonging to the said Company, the directors are hereby authorised and empowered to charge at a rate not exceeding the rate current at the time in Durban for storage in warehouses of the like description.

Current rate to be charged for storing and bonding goods.

15. That in respect to the charges to be taken by the Company for the carriage of the personal luggage of passengers, conveyed by the same train as the owners thereof, or their agents and servants shall travel by, and in respect to the amount of such luggage by weight or measurement, as shall be conveyed free of charge with such owners, agents, or servants, the directors are hereby authorised and empowered, from time to time, to make such reasonable regulations as they shall think fit: Provided, that the amount of charge for such personal luggage shall, in no case, exceed the maximum hereinbefore allowed in respect of the carriage of parcels.

Charges for passengers' luggage.

16. That the directors shall be, and they are hereby authorised and empowered, to demand and take from the master of any vessel, which shall be laid alongside the Company's wharf, to load or unload, in respect of the use of the wharf, and of the cranes and other instruments that, for the time being, may be provided, a sum not exceeding two-pence per day per ton of such vessel's registered tonnage. And further, that the directors be empowered to make, demand, and take such charges for the use of their wharf, cranes, and other appliances, as from time to time may be agreed upon by the Company and the parties desiring the use of the same.

Wharfage charges to shipping lying alongside, &c.

Natal Railway.

Vacancies in directorship, special meetings of shareholders to be called for election.

17. That when any vacancy shall occur in the Board of Directors of this Company, by or through any of the means or causes mentioned in the 89th section of the said recited Law, the continuing directors shall forthwith, in the manner described in the said Law, call a special meeting of the proprietors for the purpose of electing a director in the place and stead of the director dying, refusing to act, or being disqualified, as in the said Law mentioned. And any such newly-elected director shall be appointed, by means of an election by the proprietors, at some special meeting, and not otherwise; anything in the said Law contained to the contrary notwithstanding.

Quorum of shareholders, with one exception.

18. That from and after the passing of this Law, the quorum necessarily present at a meeting of shareholders, in order to the transaction of business, other than the declaration of a dividend, shall be ten.

Customs regulations, and penalty bond from Company.

19. Provided always, that no goods of any description, landed upon the Company's premises, shall be delivered from thence until passed by an officer of Customs appointed for that purpose; and that all goods landed for conveyance to a bonding or Crown warehouse, shall be conveyed to such warehouse within such time as the proper officer of Customs shall direct: and that for the due and proper fulfilment of the conditions of this clause, the Company shall enter into a penalty bond, in favour of the Crown, to the amount of £1,000 sterling, which shall be recoverable in the Supreme Court of the Colony.

Forms of account omitted to be attached to former Law authorised here.

Vide Law 21st June, 1859, §§ 111, 118.

20. Whereas a certain balance sheet, marked A, alluded to in section 111 of the Law of 1859, for the incorporation of the Natal Railway Company, has been manifestly omitted from that Law; and whereas a certain form, marked B, has manifestly been omitted from clause 118 of the same Law; and whereas the construction of such clauses is not complete without them: be it further enacted, that such schedule and form, as are hereby annexed, be now enacted by this present Law; and the said Law of 1859 shall be read and interpreted as if the said schedules had been originally thereunto annexed.

Interpretation clause.

21. In the construction of this Law, the word "goods" shall mean all merchandise, machinery, agricultural produce of all kinds, and ship's cargo of every description, live stock excepted, but this interpretation shall not in anywise affect any tariff of special charges imposed by this Bill.

Commencement of this Law.

22. This Law shall commence and take effect from the promulgation thereof in the *Government Gazette* of this Colony, after the passing thereof.

Natal Railway.

[Vide Law 21st June, 1868, § 111.]

SCHEDULE A.

FORM OF BALANCE SHEET.

*Balance Sheet of the Natal Railway Company, made up to the**Dr.*

18

Cr.

CAPITAL AND LIABILITIES.		PROPERTY AND ASSETS.	
	SHOWING—	III. PROPERTY HELD BY THE COMPANY.	SHOWING—
I. CAPITAL.	1. The Total Amount received from the Shareholders; showing also— (a) The Number of Shares. (b) The amount paid per Share. (c) If any arrears of calls, the nature of the arrears, and the names of the defaulters. Any arrears due from any Director or Officer of the Company to be separately stated. (d) The particulars of any forfeited Shares.	4.	Immovable Property, distinguishing— (a) Freehold Land. (b) Freehold Buildings. (c) Leasehold Buildings. (d) Stock. (e) Plant. The last to be stated with deductions for deterioration in value, as charged to the Reserve Fund or Profit and Loss.
II. DEBTS AND LIABILITIES OF THE COMPANY.	2. The amount of Loans on Mortgage or Debenture Bonds. 3. The amount of Debts owing by the Company, distinguishing— (a) Debts for which acceptances have been given. (b) Debts to Tradesmen for Supplies or other articles. (c) Debts for Law expenses. (d) Debts for Interest on Debentures. (e) Unclaimed Dividends. (f) Debts not enumerated above.	6. 7. 8.	Debts considered good, for which the Company hold Bills or other securities. Debts considered good, for which the Company hold no security. Debts considered doubtful and bad. Any Debt due from a Director or other Officer of the Company to be separately stated.
VI. RESERVE FUND.	SHOWING— The amount set aside from Profits to meet contingencies.	9.	SHOWING— The nature of Investment, and rate of Interest.
VII. PROFIT AND LOSS.	SHOWING— The disposable Balance for Payment of Dividends, &c.	10.	The amount of Cash, where lodged, and if bearing Interest.
CONTINGENT LIABILITIES.	Claims against the Company, not acknowledged as Debts. Moneys for which the Company is contingently liable.		

SCHEDULE B.

[Yrle Law 21st June. 1859. § 118.

SUMMARY OF CAPITAL AND SHARES OF THE NATAL RAILWAY COMPANY, made up to the day of 18

Number of Shares taken, up to _____ day of _____

There has been called up on each Share, £ : : .

Total amount of Calls received, \$: :

Total amount of Calls unpaid, £ : : :

Total amount of Calls forfeited, \$:

List of Persons holding Shares in the Natal Railway Company, on the day of 18, *and of Persons who have*
held Shares therein at any time during the Half Year immediately preceding the said day of 18, *showing their*
Names and Addresses, and an account of the Shares so held :

[illegible]

Natal Railway.

SCHEDULE C.

Repealed by Law 3rd August, 1863, § 1.

Given at Government House, this 31st day of July,
1860.

By command of His Excellency the Acting Lieutenant
Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 1, 1861.

Law for making further provision for the service of the year 1860.

LAW No. 2, 1861.

Law for making further provision for the service of the year 1861.

LAW No. 3, 1861.

*Law for authorising the expenditure of a sum not exceeding
£32,000 towards the Construction of Works to improve the
Harbour of Natal.*

LAW No. 4, 1861.

Law for making further provision for the service of the year 1861.

LAW No. 5, 1861.

Law for making further provision for the service of the year 1861.

LAW No. 6, 1861.

Law for making further provision for the service of the year 1861.

Harbour Board.

LAW No. 7, 1861.

Law for making further provision for the service of the year 1862.

LAW No. 8, 1861.

Law for the better collection of Quitrents and other Land Rents.

Repealed by Law No. 19, 1863, § 1.

LAW No. 9, 1861.

(Signed) J. SCOTT.

*Law to repeal Ordinance No. 3, 1855, entitled, " Ordinance for
" the Improvement and Better Regulation of the Harbour of
" Port Natal."*

Preamble.

WHEREAS, it is expedient to repeal Ordinance No. 3, 1855, entitled, " Ordinance for the Improvement and Better Regulation of the Harbour of Port Natal:"

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Repeal of Ordinance No. 3, 1855.

1. That Ordinance No. 3, 1855, entitled, " Ordinance for the Improvement and Better Regulation of the Harbour of Port Natal," shall be, and the same is hereby repealed.

Moveable property to be vested in Colonial Engineer.

2. All tools, implements, machinery, plant, and other moveable property of whatsoever nature or description shall be transferred and vested, and is hereby transferred and vested and entrusted to the Colonial Engineer for the use and behoof of the Colonial Government of Natal.

Commencement of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of August, 1861.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1861.

*Law to make further provision in respect of the Substitution of
Declarations for Oaths in certain cases.*

Repealed by Law No. 13, 1862, § 1.

Wine and Spirit Licenses.

LAW No. 11, 1861.

Law to amend and explain certain portions of the Law No. 19, 1859, being a "Law for levying certain Duties of Customs in the Colony of Natal."

Repealed by Law No. 13, 1863, § 1.

LAW No. 12, 1861.

Law to declare the Law in respect to Ordinance No. 2, 1850.

Disallowed. *Vide* Proclamation, 27th February, 1862.

LAW No. 13, 1861.

(Signed) J. SCOTT.

Law for amending Ordinances No. 9, 1847, and No. 3, 1853, entitled, Ordinances "For regulating the Sale of Wines, "Spirituuous and Fermented Liquors within the District of "Natal."

WHEREAS, it is deemed expedient to alter and amend the Ordinances No. 9, 1847, and No. 3, 1853, which render a license necessary for the sale of Ginger Beer and Spruce Beer :

Preamble.

And whereas it is expedient for that purpose to expunge the words "Ginger Beer" and "Spruce Beer" from the said Ordinances :

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

1. The words "Ginger Beer" and "Spruce Beer," occurring in the Ordinances No. 9, 1847, and No. 3, 1853, are hereby expunged from the said Ordinances.

Ginger Beer and Spruce Beer expunged.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 16th day of August, 1861.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Prescription Amendment Law.

LAW No. 14, 1861.

(Signed) J. SCOTT.

Law for amending the Law regarding the period of time by the lapse of which certain Suits and Actions become barred by Prescription.

Preamble.

WHEREAS certain debts and demands, of such a nature that they ought, if just and true, to have been recovered without any unreasonable delay, do not, by law, become barred by prescription until after the expiration of thirty years, or upwards, from the date when they became due: and whereas it is expedient to amend the Law in this respect, so as to protect the public, and especially the heirs of deceased persons, against such debts and demands as aforesaid, when set up at a date so remote as to lead to a presumption that they must have been settled and satisfied, although from accident or inadvertence no positive evidence of that fact has been preserved:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

Former laws and usages repealed.

1. All former laws and usages, in so far as they may be repugnant to, or inconsistent with any of the provisions of this Law, shall be, and the same are hereby repealed.

Suits or actions upon promissory notes or other liquid documents cannot be brought after the expiration of six years.

2. Except as hereinafter is excepted, no suit or action upon any bill of exchange, promissory note, or other liquid document of debt, of such a nature as to be capable of sustaining a claim for the sort of interlocutory judgment commonly called a *provisional sentence*, shall be capable of being brought at any time after the expiration of six years from the time when the cause of action upon such liquid document first accrued, or in case any such cause of action shall have already accrued, then after the expiration of six years from the time of the taking effect of this Law: Provided, that nothing in this Law contained shall extend to, or affect any mortgage bond, or any judgment or order of any court in this Colony or elsewhere.

Provisions of last section to extend to actions for money due, goods sold and delivered, &c.,

3. The provisions of the last preceding section shall extend and apply to the respective suits and actions following, that is to say: to suits and actions for money due, for goods sold and delivered, for money lent by the plaintiff to the defendant, for money paid by the plaintiff for the use of the defendant, for money had and received by the defendant for the use of the plaintiff, (including the *condictio indebiti*), for rent upon any lease or contract for hire not being a liquid document, for money claimed upon or by virtue of a verbal admission of an amount due upon an account stated and settled, for money due upon an award of arbitrators, for money due as the purchase money of fixed property where such purchase money is not claimed under any liquid document as hereinbefore defined, for money claimed for work and labour done, and materials for the same provided, and for money claimed upon or by virtue of any policy of assurance.

Prescription Amendment Law.

4. No suit or action for the fees, or for the fees and disbursements of advocates, attorneys, public notaries, conveyancers, land surveyors, or persons practising any branch of the medical profession; nor any suit or action for the price of drugs, medicines, or groceries supplied by retail; or for the amount of any baker's, or butcher's, or tailor's, or dressmaker's, or boot and shoemaker's, bill or account; nor any suit or action for the salary or wages of any merchant's clerk, or other persons employed in any merchant or dealer's store, counting-house, or shop; nor any suit or action for the wages as a servant of any person coming under the definition of the term "servant," given in the Master and Servants' Ordinance, shall (except as hereinafter is excepted) be capable of being brought at any time after the expiration of two years from the time when the cause of action in any case as aforesaid first accrued, or in case such cause or action shall have already accrued, then, after the expiration of two years from the time of the taking effect of this Law, provided, that as often as any acknowledgment of, or promise in writing to pay any such debt as is in this section mentioned shall have been made or given at any time before the expiration of such term of two years, then such debt may be sued for at any time within six years from the date at which the said debt became, by or according to the tenor or effect of such acknowledgment or promise, due and payable. And provided that nothing in this section contained shall prevent the application of any such debt as is in this section mentioned of any of the provisions of the seventh section of this Law.

What suits or actions cannot be brought after expiration of two years.

5. If at any time when any such cause of action as is in the second, third, and fourth sections of this Law mentioned, first accrued, the person to whom the same accrued shall have been a minor, or under coverture, or of unsound mind, or absent from the Colony, then such person, or the person claiming through him, may, notwithstanding that the period of prescription hereinbefore limited in regard to such cause of action shall have expired, bring a suit or action upon such cause of action at any time within six years, or two years (as the case may be) next after the time at which the person to whom such cause of action first accrued shall have ceased to be under any such disability as aforesaid, or shall have died, whichever of these two events shall have first happened.

Causes for exceptions to second, third, and fourth clauses.

6. Nothing in this Law contained shall extend to alter the existing Law, relative to the effect of a judicial interpellation by the creditor of his debtor in staying or interrupting the course of any incomplete term or period of prescription, which Law shall apply in all respects to the term of prescription by this Law established, precisely as if such term were the term now by law established.

This Law not to extend to alter existing Law in certain cases.

7. In any suit or action in this Colony in which any question shall arise concerning the effect of any acknowledgment of debt, or any promise to pay any debt, or any payment of interest on any debt, or any part payment of the principal of any debt made by any person whomsoever, whether the person sought to be charged in such suit or action or not, in taking any cause of action out of the operation of this Law, such question shall be judged of and determined in this Colony in like manner and by the same rules and principles as it would be judged of and determined in any of Her Majesty's Courts

Certain questions to be determined by the same rules and principles as in any of Her Majesty's Courts of Record in Westminster.

Prescription Amendment Law.

of Record at Westminster, in case the effect of the same acknowledgment, promise, or payment were in question at the same time in any of such last-mentioned courts.

Endorsement or memorandum of payment written upon any liquid document.

8. No endorsement or memorandum of any payment written or made upon any promissory note, bill of exchange, or other liquid document, by or on behalf of the party to whom such payment shall be made, shall be deemed to be sufficient proof of such payment, so as to take the case out of the operation of this Law.

Claim in respect of an item arising at a date beyond the period of prescription in this Law not claimable by reason only of some other matter of claim having first arisen.

9. If any suit or action shall be brought for the amount or balance of an account containing any number of items or matters of claim more than one, of such a nature as are in this Law mentioned, no claim in respect of an item or matter which arose at a date beyond the period of prescription by this Law established, shall be claimable by reason only of some other matter of claim, comprised in the same account, having first arisen within the said period.

In the absence of a debtor from the Colony, period to be calculated from the date of his return.

10. If at any time when any such cause of action as is in this mentioned first accrued, the person against whom such cause of action had arisen shall be absent from the Colony, then the person to whom such cause of action so accrued shall have the same time after the return of such other person to this Colony, within which to bring his action, as by this Law he would have had after such cause of action first accrued, in case the person against whom the same had arisen had then been within this Colony: Provided also, that in case any such cause of action as aforesaid shall have already arisen against any person who shall be absent from this Colony at the time of the taking effect of this Law, such cause of action shall, for the purpose of this section, be deemed to have first accrued upon the day on which such person shall return to this Colony.

Two or more joint debtors.

11. Where any such cause of action, as in this Law mentioned, lies against two or more joint debtors, the person to whom such cause of action shall have accrued shall not be entitled to any time beyond the time fixed by this Law, within which to commence any action or suit for enforcing such cause of action against any one or more of such joint debtors who shall not be absent from this Colony at the time when such cause of action first accrued, by reason only that some one or more of such joint debtors was, or were, at the time such cause of action so accrued, absent from this Colony: Provided also, that the plaintiff, in any such last-mentioned action, shall not be barred from maintaining an action against the joint debtor or joint debtors who was or were absent from the Colony at the time the cause of such action accrued, after his or their return to this Colony, by reason only that judgment for such cause of action was already recovered against one or more of such joint debtors who was not or were not absent from this Colony at the time in that behalf aforesaid.

Present power of Courts not interfered with under particular circumstances.

12. Nothing in this Law contained shall be construed so as to deprive any court in this Colony of any power which it may now by law possess to take into consideration, as matter of evidence in any suit or action pending in such court, any lapse of time shorter than the period of prescription established by this Law, and to give such weight to such evidence as it may, under the particular circumstances of the case, appear to be entitled to,

Prescription Law.—Criminal Law Procedure Amendment.

13. This Law may be cited for all purposes, as “The Prescription Amendment Law, 1861.” Title of Law.

14. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*. Commencement of Law.

Given at Government House, this 16th day of August, 1861.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 15, 1861.

Law for the Organisation and Regulation of an Armed and Mounted Police Force, and of an Armed Colonial Engineer Force of Sappers and Miners, within the Colony of Natal.

Repealed by Law No. 4, 1874, § 1.

LAW No. 16, 1861.

(Signed) J. SCOTT.

Law for Improving the Administration of Criminal Justice.

WHEREAS offenders frequently escape conviction on their trials by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case : And whereas, such technical strictness may safely be relaxed in many instances, so as to ensure the punishment of the guilty, without depriving the accused of any just means of defence : And whereas, a failure of justice often takes place on the trial of persons charged with offences against the law, by reason of variances between the statement in the indictment on which the trial is had, and the proof of names, dates, matters, and circumstances therein mentioned, not material to the merits of the case, and by the mis-statement whereof the person on trial cannot have been prejudiced in his defence : Preamble.

Be it therefore enacted, by the Lieutenant Governor, with the advice and consent of the Legislative Council :

1. So much of any former law, act, or ordinance, and of any rule of the Supreme Court, or the Courts of Resident Magistrates, as shall be repugnant to, or inconsistent with, any of the provisions of this Law, is hereby repealed. Repeal of former Laws.

2. Where preparatory examinations shall have been taken by any Magistrate, prisoners or their counsel shall be entitled, at the time of their trial, to inspect, without fee or reward, all depositions, or copies thereof, which have been taken against them. Prisoners entitled to inspect all depositions taken against them.

Criminal Law Procedure Amendment.

Persons held to bail may have copies of the examination of witnesses upon payment.

3. All persons who, after the passing of this Law, shall be held to bail, or committed to prison, for any offence against the law, shall be entitled to require and have, on demand, from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same, copies of the examination of the witnesses, respectively, upon whose deposition they have been so held to bail, or committed to prison, on payment of a reasonable sum for the same, not exceeding twopence (2d.) for each folio of ninety words.

Legal advisers allowed when under committal for examination or trial.

4. From and after the taking effect of this Law, any prisoner under committal for examination, or for trial, shall be allowed the access of a legal adviser. Provided always, that the room or building in which any Resident Magistrate or Justice shall take such examination and statements as aforesaid, shall not be deemed an open court for that purpose. And provided always, it shall be lawful for any Resident Magistrate or Justice, in his or their discretion, to order that no person shall have access to, or be, or remain, in such room or building, without the consent or permission of such Resident Magistrate or Justice, if it appear to him or them that the ends of justice will be best answered by so doing.

When trial directed before Magistrate's Court, prisoner may insist upon being tried by a jury.

5. Whenever the Attorney General shall direct the trial of any defendant or prisoner before any Magistrate's Court, it shall be competent for, and the right of, such defendant or prisoner, to insist upon being tried by a jury, in which case, such prisoner or defendant shall be brought to trial before the then next practicable Supreme or Circuit Court.

The Court may order indictment to be amended.

6. From and after the taking effect of this Law, whenever, on the trial of any indictment in the Supreme Court, or any Circuit Court, for any crime or offence, there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, in the name of any division, city, town corporate, parish, township, or place, mentioned or described in any such indictment, or in the name or description of any person or persons, or body politic or corporate therein stated, or alleged to be the owner or owners of any property, moveable or immoveable, which shall form the subject of any offence charged therein, or in the name or description of any person or persons, body politic or corporate, therein stated, or alleged to be injured or damaged, or intended to be injured or damaged, by the commission of such offence, or in the Christian name or surname, or both Christian name and surname, or other description whatever of any person or persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended, according to the proof, by some officer of the court, or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend on such terms, as to postponing the trial, to be had before the same or another jury, as such court shall think reasonable; and after any such amendment, the trial shall

Criminal Law Procedure Amendment.

proceed, whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred.

7. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Law, shall be of the same force and effect, in all respects, as if the indictment had originally been in the same form in which it was after such amendment was made.

Effect of verdict after amendment of indictment.

8. In any indictment for murder or culpable homicide, preferred after the taking effect of this Law, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient, in every indictment for murder, to charge that the defendant did wrongfully, unlawfully, and maliciously kill and murder the deceased; and it shall be sufficient, in every indictment for culpable homicide, to charge that the defendant did wrongfully or unlawfully kill the deceased.

Indictment for murder or culpable homicide need not state the manner in which death was caused.

9. In any indictment for forging, uttering, stealing, embezzling, destroying, or concealing any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

Description of instrument in indictment for forgery, theft, or embezzlement, &c.

10. In all other cases wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consist wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

Description of any instrument averred in any indictment in other cases.

11. From and after the taking effect of this Law, it shall be sufficient, in any indictment for forging, uttering, offering, disposing of, or putting off, any instrument whatever, or for committing or attempting to commit theft, by means of false pretence, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

Indictment need not allege the intent to defraud any particular person.

12. And whereas offenders often escape conviction by reason that such person ought to have been charged with attempting to commit offences, and not with the actual commission thereof: for remedy thereof be it enacted, that if, on the trial of any person, charged with any crime or offence, it shall appear to the jury or Court of Resident Magistrate, as the case may be, upon the evidence, that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict, and the Court aforesaid to pronounce as its judgment, that the defendant is not guilty of the crime or offence charged, but is guilty of an attempt to commit the same, and there-

Defendant not to be acquitted by reason of his not having completed the offence charged.

Criminal Law Procedure Amendment.

upon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular crime or offence charged in the said indictment: And no person so tried as herein lastly mentioned, shall be liable to be afterwards prosecuted for an attempt to commit the crime or offence for which he was so tried.

In indictment for robbery, jury may bring in verdict of guilty of assault with intent to rob.

13. If upon the trial of any person, upon any indictment for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict, that the defendant is guilty of an assault with intent to rob, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for assaulting with intent to rob: And no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried, and as often as any person shall be charged with the crime of assault with intent to murder, he may be found guilty of an assault with intent to do some grievous bodily harm, or of a common assault, and in like manner a person charged with assault with intent to do some grievous bodily harm, may be found guilty of a common assault.

In indictment for assault with intent to commit murder, jury may bring in verdict of guilty of assault with intent to do some grievous bodily harm, or of common assault.

Indictment for theft, property stolen at different times.

14. If upon any indictment for theft it shall appear that the property alleged in such indictment to have been stolen at one time, was stolen at different times, the prosecutor shall not, by reason thereof, be required to elect upon which taking he will proceed, and the prisoner shall be liable to be convicted of every such taking in like manner as if every such taking had been separately charged.

Particular date of theft not required in indictment.

15. It shall be lawful in any indictment for theft, to allege that the goods charged to have been stolen were taken at divers times between any two certain days stated in the indictment, and upon such an indictment, proof may be given of the stealing of the goods charged to have been stolen upon any day or days between or before, or after, the two certain days aforesaid: Provided also, that as often as any particular day shall be laid in any indictment, as the day on which any act or crime was committed, proof that such act or crime was committed on any other day or time shall be taken to support such averment, in case time be not of the essence of that crime.

Money or bank-notes may be described in indictment simply as money, without specifying any particular coin or bank-note.

16. In every indictment in which it shall be necessary to make averment as to any money or any note of any bank, it shall be sufficient to describe such money or bank note simply as money, without specifying any particular coin or bank note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin, or of any bank note, although the particular species of coin of which such amount was composed, or the particular nature of the bank note shall not be proved; and in cases of money or bank notes by embezzlement, and theft of money or bank notes by false pretences, by proof that the offender embezzled or

Criminal Law Procedure Amendment.

obtained any piece of coin or of any bank note, or any portion of the value thereof, although such piece of coin or bank note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

17. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved ; nor for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation instead of his proper name ; nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence ; nor for stating the offence to have been committed on a day subsequent to the filing of the indictment, or on any impossible day, or on a day that never happened ; nor for want of or imperfection in the addition of any defendant, or any other person ; nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury, or spoil, is not of the essence of the offence.

Indictment not to be held insufficient for want of the averment of any matter unnecessary to be proved.

18. Every objection to any indictment for any formal defect apparent on the face thereof, shall be taken by exception, or by motion to quash such indictment before the jury shall be sworn, and not afterwards ; and every Court before which any such objection shall be taken for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, by such officer of the Court, or other person ; and thereupon the trial shall proceed as if no such defect had appeared.

Objection to indictment to be taken by exception or motion to quash before jury sworn.

19. In any plea of a former conviction, or a former acquittal, it should be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the offence charged in the indictment.

Plea of former conviction or acquittal.

20. In any criminal case prosecuted in any Circuit Court at the instance of the public prosecutor, the process of such Circuit Court may be sued out, for summoning as a witness in such case, any person required to give evidence, although such person shall reside or be within some district of the Colony other than that in or for which such Circuit Court shall be appointed to be holden. And as often as it shall be necessary to summon any such last-mentioned person, the process of the Circuit Court in which such criminal case is pending shall be forwarded for execution to the Deputy Sheriff of the district in which such witness shall reside or be, or such other officer in such district as shall be proper for the execution of similar process when issued by or out of the Circuit Court of or for such last-mentioned district, and such Deputy Sheriff, or other officer receiving such process, shall execute the same in the manner as if it were the process of the Circuit Court of or for such last-mentioned district, and shall return such process, together with what he has done in the execution thereof, to the officer by whom the same was sued out and forwarded to him, and the return made by such Deputy Sheriff, or other officer, shall be *prima facie* evidence of the service of such process as in such return stated, and such process shall have the same force and effect, and entail all and singular the same consequences,

Witnesses may be summoned out of their own district of the Colony into another.

Criminal Law Procedure Amendment.—Quit Rent Tenures.

as if the person so summoned had been served in the district for which the Circuit Court in which the case is pending shall be held.

Commencement
of Law.

21. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of August, 1861.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 17, 1861.

(Signed) J. SCOTT.

Law for the conversion of Quit Rent Tenures into Freehold Tenures.

Preamble.

WHEREAS many farms in Natal are held under quit rent tenures, and the owners thereof are desirous to convert the same into freehold, and whereas it is expedient that such tenures should be converted into tenures in freehold :

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council, as follows:—

Surveyor General
to be applied to
for the conver-
sion of quit rent
tenure into
freehold tenure.

1. Any owner of land in Natal, held under quit rent tenure, may make an application in writing to the Surveyor General, setting forth the name and description of property, the date of the grant under which the same is held, and requesting that the said quit rent tenure may be converted into freehold tenure.

How quit rent
tenure can be
converted into
freehold tenure.

2. The Surveyor General, upon payment to him of a sum equal to fifteen years' purchase of the quit rent reserved in such deed of grant, and also upon payment of all such quit rent as may be due up to the date upon which such purchase money shall be paid, and upon the production of a certificate by the Registrar of Deeds of the payment of all mortgages registered against the said grant, shall issue a new deed of grant in freehold tenure. Provided always, that in all cases where, in addition to the quit rent reserved in such deed, there is, or may be payable a further or additional sum or rent, there shall, in addition and over and above the purchase money of the quit rent, be also paid a sum equal to seven years' purchase of the additional sum or rent as may be due up to the date upon which such purchase money shall be paid, before the Surveyor General shall issue such new title deed.

Conversion of
quit rent tenure
only applicable
to original
grants.

3. In all cases where farms are granted in quit rent tenure, no conversion can be made except of the original grant,

Quit Rent Tenures.—Pietermaritzburg Collegiate Institution.

4. No conversion made under this Law shall prejudice or affect the rights or interests of any lessee, or transferee, in or over the quit rent property converted into freehold, or any other right or interest, or license which any person may have or enjoy in or over the same.

Conversion not to affect certain rights or interests.

5. Every conversion made under this Law shall be deemed to be, and shall operate as a conveyance of the lands specified therein in freehold; and every covenant for the payment of the rent, and of the further or additional sum, and every condition for the breach thereof in such grant contained, shall be altogether void, and of no effect: Provided always, that every other condition or reservation in said deed of grant, shall notwithstanding such conversion, be deemed to be taken as valid and subsisting, and shall be included in such new title deed, and shall in no manner be affected, prejudiced, injured, impaired, or altered by any such conversion.

Conversion under this Law to be as a conveyance in freehold.

6. The rent, and additional or further rent payable previous to conversion under this Law, shall include all rent due up to the period fixed for payment in the said deed, and for any broken period that may intervene between said date and the day of such conversion.

All arrear rents to be paid before conversion.

7. This Law shall commence and take effect from and after such date as the Lieutenant Governor, by proclamation in the *Government Gazette*, shall make known Her Majesty's assent to the said Law.

Commencement of Law.

Given at Government House, this 16th day of August, 1861.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 18, 1861.

(Signed) J. SCOTT.

Law for Establishing, Regulating, and Providing for the Pietermaritzburg Collegiate Institution.

WHEREAS it is expedient, for the advancement of learning in this Colony, to establish a Collegiate Institution at Pietermaritzburg:

Preamble.

And whereas, John William Akerman, George Macleeroy, James Archbell, John William Turnbull, and Philip Ferreira, have been appointed trustees for the said intended Collegiate Institution, and certain lands are intended to be granted to the said trustees for the endowment, erection, and maintenance thereof:

And whereas it is expedient that a Law should be passed for carrying into effect such and other purposes, and for making more efficient provision for said Collegiate Institution, and for the management thereof:

Pietermaritzburg Collegiate Institution.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Lands, funds, property, and revenue to be vested in and administered by trustees.

1. That the lands, funds, property, and revenue belonging to the said Collegiate Institution shall be vested in, and administrated by, the said trustees, John William Akerman, George Macleeroy, James Archbell, John William Turnbull, and Philip Ferreira, who shall superintend and conduct the affairs of said College, subject to the limitations and provisions hereinafter contained, and in manner hereinafter provided ; and shall continue as such trustees until others be appointed to perform the trusts and fill the office in manner hereinafter provided.

Donors and subscribers entitled to elect one trustee for each twenty votes ; Lieutenant Governor and Mayor to nominate remainder.

2. Provided always, that if at the time appointed for the election of the said trustees, the number of votes on the voters' register shall amount to and consist of less than one hundred votes, then the donors and subscribers shall be entitled only to elect one trustee for each twenty votes, and the Lieutenant Governor and Mayor shall be entitled to nominate by rotation any deficiency in the number of elected trustees, or all the trustees, in case there shall not be twenty votes on voters' register. Provided, that when at the annual appointment of trustees in the stead of retiring trustees, the number of votes on the voters' register shall not amount to fifty votes, then if both the retiring trustees be elected trustees, the Lieutenant Governor and Mayor may, in rotation, nominate one of the new trustees. Provided also, that if the number of votes on said register should amount to one hundred on any subsequent appointment, whether the retiring trustees be nominated trustees or not, the said voters shall elect the two new trustees until the number of elected trustees be five.

Powers of the trustees.

3. The trustees, for the time being, shall stand seized, and be possessed of, and be entitled to, all the land sites and other property, immovable and moveable, and all moneys, donations, subscriptions, fees, and other dues, already conveyed, granted, or given, or which hereafter may be conveyed, granted, or given to, or on behalf of, the said Collegiate Institution, in trust to erect, build, purchase, to hire, upon lease or otherwise, suitable buildings or premises for said Collegiate Institute, and to make such repairs as may be necessary from time to time, to enlarge and otherwise to increase and improve the accommodation of said Collegiate Institution from time to time, and at all times to appoint and dismiss the principal and masters, and all other officers and servants of the said Collegiate Institution, to determine, regulate, and fix and pay the salaries to the same respectively, and from time to time, and at all times, to diminish, increase, or alter the same, to found or erect scholarships, to determine and fix upon the number of pupils to be admitted, and the mode or manner in which pupils are to be admitted, to accept such donations for the foundation of special scholarships as they may deem advisable, to regulate and authorise all disbursements out of the College funds, and generally to make such rules, bye-laws, and regulations for the due and efficient management, conducting, regulation, and suspension of the same as may be necessary and requisite, and from time to time to alter, repeal, or amend the same.

Pietermaritzburg Collegiate Institution.

4. The said council of trustees shall cause true and correct records to be kept of all its proceedings, and true and correct accounts of all monies received and expended on behalf and account of said Collegiate Institution, and shall transmit to the Colonial Secretary, for the information of the Governor, a statement of the revenue and expenditure for the past year, and a general report of the state and affairs of the said Collegiate Institution.

Records to be kept of all proceedings. Half-yearly statements and report to be forwarded to the Colonial Secretary.

5. It shall and may be lawful for the said trustees to sell or exchange, or mortgage or lease, any lands, now or which at any time hereafter may be vested in the said trustees aforesaid, and to apply the proceeds or price of the lands so sold for any of the purposes connected with the said Collegiate Institution, for which they are empowered to act under the provisions of this Law.

Trustees may sell, mortgage, or lease lands.

6. The said trustees shall remain in office until the first Thursday in June, 1862, and thenceforth until some other trustees shall be appointed in their stead, and at the general half-yearly meeting which shall be held on the first Thursday in June, 1862, the said trustees shall vacate their office, and other trustees shall be elected in manner following:—The Lieutenant Governor shall nominate one person, the Mayor of Maritzburg shall nominate one person, and the subscribers and donors to said Collegiate Institution shall elect by vote five other persons, to be trustees in the room and stead of the trustees so already appointed. A list of the said trustees shall be made up, and their seniority determined by lot, and two trustees who stand lowest upon the list shall retire at the half-yearly meeting to be held in June, 1863; and if the trustees, or one of them, be a trustee nominate, then the Lieutenant Governor, or the Mayor of Maritzburg, as the case may be, or both, may nominate the retiring trustee, or some other person, to fill the said office, or, if elected trustees or trustee, the subscribers and donors shall elect by vote two new trustees or one new trustee, as the case may be, in the place or stead of them or him so retiring; and in the same manner at each successive half-yearly meeting in the month of June, the two trustees at the foot of the list shall retire, and the Governor or Mayor of Pietermaritzburg, or the subscribers or donors, in manner hereinbefore mentioned, shall nominate and elect two persons to be trustees in the place and stead of those retiring. Provided always, that any trustee so retiring as aforesaid, shall be eligible for re-nomination or re-election.

Present trustees to remain in office until June, 1862.

Mode of electing others in their stead.

7. In the event of the death, incapacity to act, removal, or resignation of any trustee, the same proceedings shall be had thereon, within one month after the vacancy occurs, for the nomination or election of another trustee as in last preceding section is mentioned, and when occasion may require, a general meeting called for that purpose, and the trustee then nominated or elected shall continue as trustee until the period for which the trustee so vacating, in any of the cases aforesaid, would otherwise have remained in office, and no longer.

Vacancy, by death or otherwise, how filled.

8. Any trustee who shall resign, retire, become disqualified, or be removed, shall nevertheless remain responsible or liable for any act performed by him as such trustee, or done under pretence of his

Trustees to remain responsible for five years after retirement.

Pietermaritzburg Collegiate Institution.

office as trustee, for a period of five years from the time he may, from any of the reasons aforesaid, cease to be a trustee.

General meetings
to be held half-
yearly.

Monthly
meetings.

Other meetings,
how called.

9. The trustees shall hold general meetings every year on the first Thursday in June and December, and shall hold monthly meetings on the first Thursday in every month, and the said trustees shall meet at any time when required by a notice, in writing, signed by the chairman, and delivered to each trustee not later than twenty days previous to the time of meeting appointed, and the chairman shall, and is hereby required, to call a meeting of trustees in like manner within ten days after being thereto required by a requisition signed by no less than three trustees, setting forth the purpose for which the same is held; and it shall and may be lawful for the trustees to adjourn any meeting to a future day, and at any adjourned meeting to adjourn the same.

Trustees to elect
a chairman.

10. The trustees shall, at their half-yearly meeting in December, every year elect, from among themselves, a chairman for the current college year, who, when present, shall preside at meetings of said trustees. When such chairman shall be absent from any such meeting, the said trustees shall elect one of themselves to act as chairman of such meeting; and in case the said trustees shall at any time be equally divided, the chairman, or director acting as chairman, shall have a casting vote in addition to his own vote.

Three trustees to
form a quorum.

11. Three trustees shall form a quorum, and shall be competent to perform all matters and things which may be done by the trustees under the provisions of this Law.

Annual contribu-
tors of £3 to be
registered as
first-class sub-
scribers, and
entitled to two
votes; contribu-
tors of £25 the
same.

12. Every person who shall annually pay a sum of three pounds sterling to the said trustees, shall thereupon be for that year registered as a first class subscriber, and shall be entitled to two votes. Every person who shall pay a sum of twenty-five pounds sterling to the said trustees shall be registered as a first class subscriber, and be entitled to two votes.

Annual contribu-
tors of £2 to be
registered as
ordinary sub-
scribers, and
entitled to one
vote; contribu-
tors of £15 the
same.

13. Every person who shall annually pay to the trustees of the said Collegiate Institution a sum of two pounds sterling, shall thereupon, for that year, be registered as an ordinary subscriber, and shall be entitled to one vote. Every person who shall pay a sum of fifteen pounds sterling to the said trustees, shall be registered as an ordinary subscriber, and shall be entitled to one vote.

Donors of more
than £25 to be
registered as
first-class sub-
scribers, and en-
titled to votes
according to a
scale to be fixed
by the trustees.

14. When and so often as any person shall make a donation to the said Collegiate Institution of any greater sum than twenty-five pounds, he shall be registered as first class subscriber, and shall be entitled to as many votes as the scale to be fixed by the trustees may warrant and authorise.

Annual contribu-
tors of more than
£3 to be regis-
tered as first-
class subscribers,
and to be entitled
to votes accord-
ing to scale.

15. When any person shall annually pay to the said trustees any sum exceeding three pounds sterling, he shall thereupon, for that year, be registered as a first class subscriber, and be entitled to as many votes as any scale to be fixed and determined by the trustees may warrant and authorise.

Voters' register,
how prepared.

16. The trustees shall keep a book wherein they shall enter the names and addresses of all subscribers and donors, and shall therein register the same respectively, and shall, on the first day of every month, make out a list of all persons qualified to vote, and the num-

Pietermaritzburg Collegiate Institution.

ber of votes any person thereon is entitled to give, which list shall be called the voters' register.

17. The said trustees shall issue a certificate to each donor, signed by the chairman of the said trustees, which certificate shall specify the amount paid ; and every such donor may assign, transfer, or devise the said certificate ; and upon any such change of ownership, the person to whom such certificate shall be so assigned, transferred, or devised, shall not be entitled to any vote, or derive any advantage therefrom, until such change be registered by the said trustees, who are hereby empowered, if they should so think fit, to register such change of ownership. Provided always, there be paid, upon every such change of ownership by first class donors the sum of three pounds sterling, by ordinary donors a sum of two pounds sterling.

Trustees to issue certificates to each donor, which may be assigned, transferred, or devised.

18. In all matters submitted to the consideration of subscribers and donors, at any general or special meeting, all the subscribers and donors shall be entitled to give the number of votes which, on the voters' register, are recorded in their names. Provided, no person shall be entitled to vote whose name does not appear to be on the voters' register one month previous to such meeting, and provided that all voters, not actually residing within the limits of the city of Pietermaritzburg, shall be entitled to vote by proxy.

Subscribers and donors entitled to give the number of votes on voters' register.

19. At the general meetings to be held in the months of June and December, the trustees shall lay before the subscribers and donors a report of their proceedings, and the state of the Collegiate Institution during the preceding half-years, at which it shall be competent for the shareholders then present, upon motion duly made and seconded, to consider and determine upon the proceeding included in said report, and a general meeting of the subscribers and donors shall be held at any time, provided the said trustees shall give fourteen days notice thereof, and of the purpose for which the same is to be held, in the *Government Gazette* of this Colony, and the trustees shall call a meeting of the subscribers and donors after having been thereto required by notice in writing, delivered to the chairman of trustees, signed by no less than twenty-five voters on the voters' register, and setting forth the purpose for which the same is to be held. Provided it shall not be lawful for any meeting of subscribers and donors to pass any resolution whereby any of the provisions of this Law shall be virtually altered or rendered ineffective, or which shall be inconsistent with any engagement duly entered into by the said trustees with any person or persons relative to any matter whatever. Provided that no business shall be transacted at any such meeting by such subscribers or donors unless there shall be then present not less than thirty voters entitled to vote.

At general half-yearly meetings trustees to lay before subscribers and donors a report of their proceedings, and of the state of the College.

20. The officers of the College shall consist of a Principal, and such other professors, masters, and subordinate officers, as the trustees shall, from time to time, determine and consider requisite. The Principal of said College shall be a graduate of the Universities of Oxford, Cambridge, Dublin, Edinburgh, or London. Provided always, in the case of any vacancy in the office of Principal, the said trustees shall have power to appoint temporarily a Principal not qualified as aforesaid.

Officers of the College.

Pietermaritzburg Collegiate Institution.

Constitution of Educational Council.

21. There shall be an Educational Council, composed of seven members, of which the Principal of the College shall be *ex officio* a member and chairman, and in case of equality of votes shall have a casting vote in addition to his vote as member, the remaining six shall be constituted and appointed in manner following, and shall each respectively hold their office for three years from the date of their appointment:—The Lieutenant Governor and Mayor shall each, from time to time, nominate and appoint one member each; the trustees shall elect one member from among themselves, who shall hold his seat at the Educational Council as long only as he continues trustee; the subscribers and donors shall elect three members of such Educational Council, provided the number of votes on the voters' register shall amount to fifty. When any member of the Educational Council shall either resign or otherwise vacate his office, or when the period for which he is to hold his office shall have expired, the same party who nominated or elected the same shall nominate or elect a member of the Educational Council in lieu or stead of him so resigning or otherwise vacating. Any member who shall vacate his office shall be eligible for re-election or re-nomination.

Powers of Educational Council.

22. The Educational Council shall control and determine and decide upon all matters relating to the discipline of the schools, the religious and moral training of the students, what books shall be used, the character of the various examinations for entry into the College, for competing for scholarships or other purposes, the subjects to be taught, the books to be used; and in said Council of Education shall be vested the superintendence and regulation of the discipline and instruction of the several scholastic departments and classes of the said Collegiate Institution, and for all or any of the purposes in this section contained, to frame and pass from time to time such rules and bye-laws as the said Council may deem necessary.

Pupils to pass an examination before admission.

23. No pupil shall be admitted into the College until he has satisfactorily passed such examination as the Council of Education shall from time to time determine and appoint; and in case there are more candidates to be admitted as pupils than there are vacancies, then the pupils, after having passed the examination in manner aforesaid, shall be admitted according to priority of application.

Scholarship open for competition amongst pupils of the College.

24. There shall be one scholarship of the annual value of thirty pounds open for competition by public examination amongst pupils of the College, on such subjects as the Council of Education may direct and appoint.

Scholarship to be competed for by sons of colonists.

25. There shall be one scholarship of the annual value of thirty pounds to be competed for by the sons of colonists in such examination as the Council of Education may appoint: Provided, no person shall be eligible thereto who shall hold any other scholarship in any other college in Natal. These scholarships shall be tenable for three years, provided the scholar thereto elected shall so long continue a pupil of the College.

Foundation scholarships.

26. There shall be two foundation scholarships, one in the gift of the trustees, the other in the gift of subscribers and donors, to be selected from pupils who shall have passed the entrance examination, the sons of colonists, such scholarships to be tenable for three years:

Pietermaritzburg Collegiate Institution.—Durban Collegiate Institn.

Provided, that if the votes on the voters' register should not amount to fifty, then the scholarship in the gift of the subscribers and donors shall be given away and nominated to alternately by the Lieutenant Governor and the Mayor.

27. The Lieutenant Governor, Chief Justice, two Puisne Judges, and Mayor of Pietermaritzburg, and their successors in office, shall be visitors of the said Collegiate Institution; and shall, either separately or together, have power from time to time and at all times to visit the said Collegiate Institution, and call before them or him and examine the Principal, professors, and other subordinate officers thereof, and enquire into the government and management thereof, and to call for the production of all records, accounts, and other documents connected with the general management of the Collegiate Institution, and the due discharge of the trusts invested in the trustees and Council of Education, and to examine, enquire into, and determine the same.

Visitors of the College, their powers.

28. All actions or other proceedings at law to be instituted by or against the trustees or Council of Education of said Collegiate Institution shall be so instituted for, by, or against the chairman of the trustees for the time being.

Actions or other proceedings at law, against whom instituted.

29. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 16th day of August, 1861.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 19, 1861.

(Signed) J. SCOTT.

Law for Establishing, Regulating, and Providing for the Durban Collegiate Institution.

WHEREAS, it is expedient for the advancement of learning in this Colony to establish a Collegiate Institution at Durban: Preamble.

And whereas, George Christopher Cato, Savery Pinsent, George Winder, Samuel Beningfield, and Robert Nimmo have been appointed trustees for the said intended Collegiate Institution; and certain lands are intended to be granted to the said trustees for the endowment, erection, and maintenance thereof:

And whereas, it is expedient that a Law should be passed for carrying into effect such and other purposes, and for making more efficient provision for said Collegiate Institution, and for the management thereof:

Durban Collegiate Institution.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Lands, funds, property, and revenue to be vested in and administered by trustees.

1. That the lands, funds, property, and revenue belonging to the said Collegiate Institution shall be vested in, and administered by, the said trustees, George Christopher Cato, Savery Pinsent, George Winder, Samuel Benningfield, and Robert Nimmo, who shall superintend and conduct the affairs of said College, subject to the limitations and provisions hereinafter contained, and in manner hereinafter provided ; and shall continue as such trustees until others be appointed to perform the trusts and fill the office in manner hereinafter set forth. Provided always, that in case any one or more of the before-named trustees shall die, resign, or leave the Colony for a period exceeding four months, it shall be competent for the Lieutenant Governor to nominate a trustee or trustees, as the case may be, to fill any vacancy or vacancies caused as aforesaid.

Donors and subscribers entitled to elect one trustee for each twenty votes ; Lieutenant Governor and Mayor to nominate remainder.

2. Provided always, that if at the time appointed for the election of the said trustees the number of votes on the voters' register shall amount to and consist of less than one hundred votes, then the donors and subscribers shall be entitled only to elect one trustee for each twenty votes, and the Lieutenant Governor and Mayor shall be entitled to nominate by rotation any deficiency in the number of elected trustees, or all the trustees in case there shall not be twenty votes on voters' register. Provided that when at the annual appointment of trustees in the stead of retiring trustees, the number of voters on the voters' register shall not amount to fifty votes, then if both the retiring trustees be elected trustees, the Lieutenant Governor and Mayor may in rotation nominate one of the new trustees. Provided also, that if the number of votes on said Register should amount to one hundred on any subsequent appointment, whether the retiring trustees be nominated or not, the said voters shall elect the two new trustees until the number of elected trustees be five.

Powers of the trustees.

3. The trustees for the time being shall stand seized, and be possessed of, and be entitled to, all the land sites and other property, immoveable and moveable, and all monies, donations, and subscriptions, fees, and other dues already conveyed, granted, or given, or which hereafter may be conveyed, granted, or given to or on behalf of the said Collegiate Institution, in trust to erect, build, purchase, to hire, upon lease or otherwise, suitable buildings or premises for said Collegiate Institution, and to make such repairs as may be necessary from time to time, to enlarge and otherwise to increase and improve the accommodation of said Collegiate Institution from time to time, and at all times to appoint and dismiss the Principal and masters, and all other officers and servants of the said Collegiate Institution, to determine, to regulate, and fix and pay the salaries to the same respectively, and from time to time, and at all times, to diminish, increase, or alter the same, to found or erect scholarships, to determine and fix upon the number of pupils to be admitted, and the mode or manner in which pupils are to be admitted, to accept such donations for the purpose of special scholarships, as they may deem advisable, to regulate and authorise all disbursements out of the College funds, and generally to make such rules, bye-laws,

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and regulations for the due and efficient management, conducting, regulation, and supervision of the same as may be necessary and requisite, and from time to time to alter, repeal, or amend the same.

4. The said trustees shall cause true and correct records to be kept of all its proceedings, and true and correct accounts of all monies received and expended on behalf and account of said Collegiate Institution, and shall transmit to the Colonial Secretary, for the information of the Governor, a statement of the revenue and expenditure during the past year, and a general report of the state and affairs of the said Collegiate Institution.

Records to be kept of all proceedings. Half-yearly statements and report to be forwarded to the Colonial Secretary.

5. It shall and may be lawful for the said trustees to sell or exchange, or mortgage or lease, any lands now, or which at any time hereafter may be vested in the said trustees aforesaid, and to apply the proceeds or price of the lands so sold for any of the purposes connected with the said Collegiate Institution, for which they are empowered to act under the provisions of this Law.

Trustees may sell, mortgage, or lease lands.

6. The said trustees, George Christopher Cato, Savery Pinsent, George Winder, Samuel Benningfield, and Robert Nimmo shall remain in office until the first Thursday in June, 1862, and thenceforth until some other trustees be appointed in their stead, and at the general half-yearly meeting which shall be held on the first Thursday of December, 1862, the said trustees shall vacate their office, and other trustees shall be elected in manner following:—The Lieutenant Governor shall nominate one person, the Mayor of Durban shall nominate one person, and the subscribers and donors to said Collegiate Institution shall elect by vote five other persons to be trustees in the room and stead of the trustees so already appointed. A list of the said trustees shall be made up, and their seniority determined by lot, and the trustees who stand lowest upon the list shall retire at the half-yearly meeting to be held on the first Thursday in December, 1863; and if the trustees, or one of them, be a trustee nominate, then the Lieutenant Governor or the Mayor of Durban, as the case may be, or both, may nominate the retiring trustee, or some other person, to fill the said office, or, if elected trustees or trustee, the subscribers and donors shall elect by vote two new trustees or one new trustee, as the case may be, in the place or stead of them or him so retiring; and in the same manner at each successive half-yearly meeting on the first Thursday in the month of December, the two trustees at the foot of the list shall retire, and the Governor or Mayor of Durban, or the subscribers and donors, in manner hereinbefore mentioned, shall nominate or elect two persons to be trustees in the place and stead of those so retiring. Provided always, that any trustee so retiring as aforesaid shall be eligible for re-nomination or re-election.

Present trustees to remain in office until June, 1862.

Mode of electing others in their stead.

7. In the event of the death, incapacity to act, removal, or resignation of any trustee, the same proceedings shall be had therein, within two months after the vacancy occurs, for the nomination or election of another trustee as in last preceding section is mentioned, and when occasion may require, a general meeting called for that purpose, and the trustee then nominated or elected shall continue as

Vacancy, by death or otherwise, how filled.

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trustee until the period for which the trustee so vacating, in any of the cases aforesaid, would otherwise have remained in office, and no longer.

Trustees to remain responsible for five years after retirement.

8. Any trustee who shall resign, retire, become disqualified, or be removed, shall nevertheless remain responsible and liable for any act performed by him as such trustee, or done under pretence of his office as trustee, for a period of five years from the time he may, from any of the reasons aforesaid, cease to be a trustee.

General meetings to be held half-yearly.

Monthly meetings.

Other meetings, how called.

9. The trustees shall hold general meetings every year on the first Thursday in June and December, and shall hold monthly meetings on the first Thursday in every month, and the said trustees shall meet at any time when required by a notice, in writing, signed by the chairman, and delivered to each trustee not later than twenty days previous to the time of meeting appointed, and the chairman shall, and is hereby required, to call a meeting of trustees in like manner within ten days after being thereto required by a requisition signed by no less than three trustees, setting forth the purpose for which the same is to be held; and it shall and may be lawful for the trustees to adjourn any meeting to a future day, and at any adjourned meeting to adjourn the same.

Trustees to elect a chairman.

10. The trustees shall, at their half-yearly meeting in December, every year elect, from among themselves, a chairman for the current college year, who, when present, shall preside at meetings of said trustees. When such chairman shall be absent from any such meeting, the said trustees shall elect one of themselves to act as chairman of such meeting; and in case the said trustees shall at any time be equally divided, the chairman, or director acting as chairman, shall have a casting vote in addition to his own vote.

Three trustees to form a quorum.

11. Three trustees shall form a quorum, and shall be competent to perform all matters and things which may be done by the trustees under the provisions of this Law.

Annual contributors of £13 to have the right of presentation of one pupil and be registered for two votes.

12. Every person who shall annually pay a sum of thirteen pounds sterling to the trustees shall for that year have the right of presentation of one pupil, and for that year be entitled to be registered on the voters' register for two votes.

Annual contributors of £3 to be registered as first-class subscribers, and entitled to two votes.

13. Every person who shall annually pay a sum of three pounds sterling to the said trustees, shall thereupon be for that year registered as a first class subscriber, and shall be entitled to two votes.

Contributors of £100 to have the right of presentation for life of one pupil, and to be entitled to two votes.

14. Every person who shall pay a sum of one hundred pounds sterling to the said trustees shall, during the period of his natural life, have the right of presentation of one pupil to the said Collegiate Institution, and shall be entitled to be registered on the voters' register for two votes.

Contributors of £25 to be registered as first-class subscribers, and entitled to two votes.

15. Every person who shall pay a sum of twenty-five pounds sterling to the said trustees shall be registered as a first class subscriber, and be entitled to two votes.

Annual contributors of £12 to have the right of

16. Every person who shall annually pay a sum of twelve pounds sterling to the said trustees shall for that year have the right of

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presentation of one pupil, and for that year be entitled to be registered on the voters' register for one vote.

17. Every person who shall annually pay to the trustees of the said Collegiate Institution a sum of two pounds sterling, shall thereupon, for that year, be registered as an ordinary subscriber, and shall be entitled to one vote.

18. Every person who shall pay a sum of fifty pounds sterling to the said trustees shall, for a period of five years after the payment thereof, have the right of presentation of one pupil to the said Collegiate Institution, and shall be entitled to be registered on the voters' register for two votes.

19. Every person who shall pay a sum of fifteen pounds sterling to the said trustees, shall be registered as an ordinary subscriber, and shall be entitled to one vote.

20. When and so often as any person shall make a donation to the said Collegiate Institution of any greater sum than one hundred pounds, the donor thereof shall be registered as a first-class subscriber, and shall be entitled to as many votes as the scale to be fixed by the trustees may warrant and authorise.

21. When and so often as any person shall make a donation to the said Collegiate Institution of any greater sum than twenty-five pounds, he shall be registered as first class subscriber, and shall be entitled to as many votes as the scale to be fixed by the trustees may warrant and authorise.

22. When any person shall annually pay to the said trustees any sum exceeding thirteen pounds sterling, he shall thereupon, for that year, be registered as a first class subscriber, and be entitled to as many votes as any scale to be fixed and determined by the trustees may warrant and authorise.

23. Any person, during the time for which he may be entitled to the right of presentation for one pupil to the said College, may at any time during said period withdraw the presentation from such pupil, and substitute another in his place and stead.

24. The trustees shall keep a book wherein they shall enter the names and addresses of all subscribers and donors, and shall therein register the same respectively, and shall, on the first day of every month, make out a list of all persons qualified to vote, and the number of votes any person thereon is entitled to give, which list shall be called the voters' register.

25. The said trustees shall issue a certificate to each donor, signed by the chairman of the said trustees, which certificate shall specify the amount paid; and every such donor may assign, transfer, or devise the said certificate; and upon any such change of ownership, the person to whom such certificate shall be so assigned, transferred, or devised, shall not be entitled to any vote, or derive any

presentation of one pupil, and be registered for one vote.

Annual contributors of £2 to be registered as ordinary subscribers, and entitled to one vote.

Contributors of £50 to have the right of presentation of one pupil for five years, and to be registered for two votes.

Contributors of £15 to be registered as ordinary subscribers, and entitled to one vote.

Donors of more than £100 to be registered as first-class subscribers, and entitled to votes according to a scale to be fixed by the trustees.

Donors of more than £25 to be registered as first-class subscribers, and entitled to votes according to scale.

Annual contributors of more than £13 to be registered as first-class subscribers, and to be entitled to votes according to scale.

Pupils by presentation may be withdrawn, and others substituted in their stead.

Voters' register, how prepared.

Trustees to issue certificates to each donor, which may be assigned, transferred, or devised.

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advantage therefrom, until such change be registered by the said trustees, who are hereby empowered, if they should so think fit, to register such change of ownership. Provided always, there be paid, upon every such change of ownership the sum of three pounds sterling.

Subscribers and donors entitled to give the number of votes on voters' register.

26. In all matters submitted to the consideration of subscribers and donors, at any general or special meeting, all subscribers and donors shall be entitled to give the number of votes which, on the voters' register, are recorded in their names. Provided, no person shall be entitled to vote whose name does not appear to be on the voters' register one month previous to such meeting, and provided that all voters, not actually residing within the limits of the town of Durban, shall be entitled to vote by proxy.

At general half-yearly meetings trustees to lay before subscribers and donors a report of their proceedings, and of the state of the College.

27. At the general meetings to be held in the months of June and December, the trustees shall lay before the subscribers and donors a report of their proceedings, and the state of the Collegiate Institution during the preceding half-years, at which it shall be competent for the shareholders then present, upon motion duly made and seconded, to consider and determine upon the proceeding included in said report, and a general meeting of the subscribers and donors shall be held at any time, provided the said trustees shall give fourteen days notice thereof, and of the purpose for which the same is to be held, in the *Government Gazette* of this Colony, and the trustees shall call a meeting of the subscribers and donors after having been thereto required by notice in writing, delivered to the chairman of trustees, signed by no less than twenty-five voters on the voters' register, and setting forth the purpose for which the same is to be held. Provided it shall not be lawful for any meeting of subscribers and donors to pass any resolution whereby any of the provisions of this Law shall be virtually altered or rendered ineffective, or which shall be inconsistent with any engagement duly entered into by the said trustees with any person or persons relative to any matter whatever. Provided that no business shall be transacted at any such meeting by such subscribers or donors unless there shall be then present not less than thirty voters duly entitled to vote.

Officers of the College.

28. The officers of the College shall consist of a Principal, and such other professors, masters, and subordinate officers, as the trustees shall, from time to time, determine and consider requisite. The Principal of said College shall be a graduate of the Universities of Oxford, Cambridge, Dublin, Edinburgh, or London. Provided always, in the case of any vacancy in the office of Principal, the said trustees shall have power to appoint temporarily a Principal not qualified as aforesaid.

Constitution of Educational Council.

29. There shall be an Educational Council, composed of seven members, of which the Principal of the College shall be *ex officio* a member and chairman, and in case of equality of votes shall have a casting vote in addition to his vote as member, the remaining six shall be constituted and appointed in manner following, and shall each respectively hold their office for three years from the date of their appointment:—The Lieutenant Governor and Mayor shall each, from time to time, nominate and appoint one member each; the trustees shall elect one member from among themselves, who shall

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hold his seat at the Educational Council as long only as he continues trustee; the subscribers and donors shall elect three members of such Educational Council, provided the number of votes on the voters' register shall amount to fifty. When any member of the Educational Council shall either resign or otherwise vacate his office, or when the period for which he is to hold his office shall have expired, the same party who nominated or elected the same shall nominate or elect a member of the Educational Council in lieu or stead of him so resigning or otherwise vacating. Any member who shall vacate his office shall be eligible for re-election or re-nomination.

30. The Educational Council shall control and determine and decide upon all matters relating to the discipline of the schools, the religious and moral training of the students, what books shall be used, the character of the various examinations for entry into the College, for competing for scholarships or other purposes, the subjects to be taught, the books to be used; and in said Council of Education shall be vested the superintendence and regulation of the discipline and instruction of the several scholastic departments and classes of the said Collegiate Institution, and for all or any of the purposes in this section contained, to frame and pass from time to time such rules and bye-laws as the said Council may deem necessary.

Powers of Educational Council.

31. No pupil shall be admitted into the College until he has satisfactorily passed such examination as the Council of Education shall from time to time determine and appoint; and in case there are more candidates to be admitted as pupils than there are vacancies, then the pupils, after having passed the examination in manner aforesaid, shall be admitted according to priority of application.

Pupils to pass an examination before admission.

32. There shall be one scholarship of the annual value of thirty pounds open for competition by public examination amongst pupils of the College, on such subjects as the Council of Education may direct and appoint.

Scholarship open for competition amongst pupils of the College.

33. There shall be one scholarship of the annual value of thirty pounds to be competed for by the sons of colonists in such examination as the Council of Education may appoint: Provided, no person shall be eligible thereto who shall hold any other scholarship in any other college in Natal. These scholarships shall be tenable for three years, provided the scholar thereto elected shall so long continue a pupil of the College.

Scholarship to be competed for by sons of colonists.

34. There shall be two foundation scholarships, one in the gift of the trustees, the other in the gift of subscribers and donors, to be selected from pupils who shall have passed the entrance examination, the sons of colonists, such scholarships to be tenable for three years: Provided, that if the votes on the voters' register should not amount to fifty, then the scholarship in the gift of the subscribers and donors shall be given away and nominated to by the Lieutenant Governor and the Mayor alternately.

Foundation scholarships.

35. The Lieutenant Governor and Mayor of Durban, and their successors in office, shall be visitors of the said Collegiate Institution; and shall, either separately or together, have power from time to time and at all times to visit the said Collegiate Institution, and call before them or him and examine the Principal, pro-

Lieutenant Governor and Mayor to be Visitors of the College, with certain powers.

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fessors, and other subordinate officers thereof, and enquire into the government and management thereof, and to call for the production of all records, accounts, and other documents connected with the general management of the Collegiate Institution, and the due discharge of the trusts invested in the trustees and Council of Education, and to examine and enquire into the same.

Actions or other
proceedings at
law, against
whom instituted.

36. All actions or other proceedings at law to be instituted by or against the trustees or Council of Education of said Collegiate Institution shall be so instituted for, by, or against the chairman of the Council of trustees for the time being.

Commencement
of Law.

37. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of August,
1861.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 20, 1861.

*Law to prevent the Spread of the Growth of the Xanthium
Spinosum Burr Weed.*

Repealed by Law No. 38, 1874, § 1.

LAW No. 21, 1861.

*Law for improving and consolidating the Laws in regard to
Municipal Corporations.*

Repealed by Law No. 21, 1862, § 1.

LAW No. 22, 1861.

Law to amend the Laws regulating the Dealing in Gunpowder.

Repealed by Law No. 12, 1862, § 1.

Laws Expired.

LAW No. 1, 1862.

Law for making further provision for the service of the year 1861.

LAW No. 2, 1862.

Law for applying a sum not exceeding £85,111 17s. 6d., for the service of the year 1862.

LAW No. 3, 1862.

Law for making further provision for the service of the year 1862.

LAW No. 4, 1862.

Law for making further provision for the service of the year 1862

LAW No. 5, 1862.

Law for authorising the expenditure of a sum not exceeding £60,000 towards the Construction of the Works to improve the Harbour of Natal.

LAW No. 6, 1862.

Law for applying a sum not exceeding £92,690 17s. 3d. for the service of the year 1863.

LAW No. 7, 1862.

Law for making further provision for the service of the year 1863.

Exportation of Arms, Ammunition, &c.

LAW No. 8, 1862.

(Signed) J. SCOTT.

Law to prevent the Exportation of Arms, Ammunition, Gunpowder, and certain Military and Naval Stores, and other Articles.

Preamble.

WHEREAS it is expedient in certain cases to prohibit arms, ammunition, gunpowder, military and naval stores, from being exported or carried coastwise :

Be it enacted, by the Lieutenant Governor of the Colony of Natal, by and with the consent of the Legislative Council thereof, as follows :

What goods may be prohibited to be imported, or carried coastwise.

1. It shall and may be lawful for the Lieutenant Governor of the Colony of Natal, with the advice of his Executive Council, to order, by proclamation, that the following goods be prohibited either to be exported or carried coastwise :—arms, ammunition, and gunpowder, military and naval stores, and any articles which the Lieutenant Governor shall judge capable of being converted into, or made useful in increasing the quantity of military stores, provisions, or any sort of victual which may be used as food by man ; and if any goods so prohibited shall be exported from the Colony of Natal, or carried coastwise, or be waterborne to be so exported or carried, they shall be forfeited.

Commencement of Law.

2. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 13th day of August, 1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 9, 1862.

Law to enable the Lieutenant Governor of the Colony of Natal to appoint Courts or Tribunals to inquire into Charges of Incompetency or Misconduct of Masters or Mates of Ships, or to inquire into Shipwrecks, or other Casualties affecting Ships.

Repealed by Law No. 24, 1875, § 1.

LAW No. 10, 1862.

Law for the Regulation of the Duties on Inland Postage.

Repealed by Law No. 11, 1867, § 1.

Firearms.

LAW No. 11, 1862.

(Signed) J. SCOTT.

Law to make better provision relative to the Importation, Registration, and Sale of Firearms. Vide Law 6, 1876, § 13.

WHEREAS it has been found necessary to make better provision relative to the importation, registration, and sale of firearms in this Colony, so that legitimate trade in these articles may be protected by the enactment of regulations to prevent the indiscriminate sale and possession of firearms, to the danger of the peace of the Colony:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. The Law No. 9, 1857, entitled, a "Law for the registration and sale of firearms," and Law No. 8, 1859, entitled, a "Law to amend the 33rd section of Law No. 9, 1857," shall be, and the same are, hereby repealed. Preamble.
Repeal of former Laws:—Laws 9, 1857, and 8, 1859.

2. The Lieutenant Governor shall appoint a board, to consist of not more than five persons, to hear applications from persons wishing to import firearms into the Colony. Board to be appointed.
Vide Law 6, 1876, § 2.

3. The said board shall meet at Durban, and sit with open doors for the hearing and determining of all such applications, on the 15th day of every month, or, if falling on a Sunday or a holiday, on the day following such Sunday or holiday. Place and day of meeting of Board.
Vide Law 6, 1876, § 2.

4. Three members of the board shall be a quorum, and the decision shall be that of the majority. Quorum.
Vide Law 6, 1876, § 2.

5. The Clerk of the Peace at Durban shall act as the secretary of the said board. Secretary of Board.
Vide Law 6, 1876, § 2.

6. Every person desirous of obtaining a license to import firearms, shall make application in writing, addressed to the secretary of the said board, setting forth his name and surname, and his place of residence, and stating the number and description of firearms he wishes to import. Applications to import firearms to be addressed to the Secretary of the Board.
Vide Law 6, 1876, § 2.

7. The said secretary shall publish in the *Government Gazette* a notice of the said application, setting forth the name of the applicant, and the number and description of the firearms he seeks to import, and also specifying the sitting of the board at which the question of granting such application will come before the said board. Applications to be published in "Government Gazette."
Vide Law 6, 1876, § 2.

8. The board shall not entertain any application until a period of at least fourteen days shall have intervened between the publication of the notice last aforesaid and the sitting of the board. When applications cannot be entertained.

9. At the sitting appointed for the determination of the question of granting such application, the said board shall, with open doors, proceed to determine the same, and shall hear the objections, if any, of any householder resident in the Colony, whether grounded on the character, misconduct, or unfitness of the applicant, or the number of licenses previously granted for a similar purpose; and the said board shall also hear what shall be urged by the applicant in answer

Firearms.

Applications may be granted or refused in part.

Attorney General may oppose the granting of any application.

Vide Law 6, 1876, § 7.

License not to be granted without recommendation of Board.

Vide Law 6, 1876, § 2.

Recommendation to be transmitted to Attorney General.

Vide Law 6, 1876, §§ 2, 7.

Attorney General may remit decision of Board for re-consideration.

Vide Law 6, 1876, §§ 2, 7.

Controller of Arms and Ammunition to grant or refuse license in terms of Lieutenant Governor's instructions.

Vide Law 6, 1876, § 2.

License to be signed by Controller.

Vide Law 6, 1876, § 2.

Passengers by sea may bring firearms under certain conditions.

Persons coming overland may bring firearms under certain conditions.

to such objections, and shall if necessary, examine the parties, or any other person, upon oath, touching the matter in question, and may then grant or refuse such application, or may grant the application in part, and refuse it in part, as circumstances shall require.

10. The Attorney General may, by himself or by any person deputed by him, oppose the granting of any such application before the board, on any grounds that may to him seem relevant.

11. No license shall be granted to any person to import firearms without the recommendation of the said board.

12. If the board shall determine on granting any such application, the same shall be in form of a recommendation, and the applicant shall obtain from the secretary of the board a minute of such decision, and shall transmit such minute to the Attorney General.

13. The Attorney General may, if he see cause, remit the decision of the board to the secretary of the same, to be reconsidered by the board in regard to any point which shall be specified in such remission.

14. The [Controller of Arms and Ammunition] shall take the instructions of the Lieutenant Governor upon every recommendation made by said board, and shall grant or refuse a license of importation, in terms of such instructions.

15. The license shall be signed by the [Controller of Arms and Ammunition] and shall specify the time during which it shall be in force, and the number and kind of firearms thereby licensed to be imported.

16. Any person, not a licensed importer, arriving in this Colony by sea, may bring such firearms, being his *bond fide* property, as are usually carried for personal defence. Provided, that no such firearms as aforesaid shall be permitted to be landed, or, when landed, shall be allowed to leave the Custom House until the person bringing the same shall have produced to the Collector of Customs a certificate from the Resident Magistrate of Durban, detailing the number and description of firearms, and stating that the same are necessary for personal defence, and the Collector of Customs, on receiving such certificate, shall register said firearms in the same manner as firearms are required to be registered by a Resident Magistrate in the case of private owners.

17. Any person intending to settle or reside within this Colony, coming overland, may bring with him such firearms as are required for personal use or defence, and every such person shall, as soon as practicable after his arriving in this Colony, repair to the seat of magistracy of the county or division which he first does enter, and report to the Resident Magistrate of the same the number of fire-

Firearms.

arms he has brought with him, and exhibit the same, and the said Resident Magistrate, if he shall be satisfied that such firearms are required for personal defence, and are *bona fide* the property of such person, may register the same, as required under the provisions of this Law: Provided always, that any person, not belonging to any native tribe in South Africa, being a resident of the Cape Colony, the Free State, or the Tranvaal, resorting to this Colony for a temporary purpose, may bring with him overland such firearms as are necessary, or required for his personal use or defence: and provided also, that no such person shall, during his stay in this Colony, sell or dispose of any such firearms, except under the provisions of this Law.

18. It shall not be lawful for any person to import or bring into this Colony any firearms, save as hereinbefore is excepted, without having first obtained the license hereinbefore required, and all firearms imported contrary to the provisions of this Law, shall be forfeited to Her Majesty, her heirs and successors.

Firearms not to be imported without a license.

19. No license granted by the [Controller of Arms and Ammunition] as aforesaid shall be transferable or capable of being assigned, nor shall the name of any person other than the person so licensed to import firearms be substituted any way or for any purpose, or in any entry in the Custom House, in lieu of the person obtaining such license.

License not transferable.
Vide Law 6, 1876, § 7.

20. The Lieutenant Governor may, at any time, and from time to time, by Proclamation, prohibit the importation of any firearms, and such prohibition shall extend to all firearms, whether licensed to be imported or not.

Lieutenant Governor may prohibit importation.

21. The Collector of Customs may refuse a warrant for the unloading of any firearms, but shall not allow the same, when landed, to be delivered out of the Queen's warehouses, until the said importer shall produce his license to import such firearms, nor until the said Collector of Customs is satisfied, by examination, that the firearms sought to be landed or delivered correspond in number and description with the license under which they have been imported.

Collector of Customs may refuse a warrant for unloading.

22. No person shall in this Colony sell in the way of trade, or keep any firearms for sale, without a license so to do, signed by the [Controller of Arms and Ammunition].

Firearms not to be sold without license.

Vide Law 6, 1876, § 7.

23. The [Controller of Arms and Ammunition] may grant a license to sell firearms in the way of trade, and to keep firearms for sale, to all licensed importers, and to all fit and proper persons who may make application for the same: Provided, that the [Controller of Arms and Ammunition] shall not grant any such license until it shall have been made to appear, to his satisfaction, that the person requiring such license is a fit and proper person, and already established in trade or business: And the [Controller of Arms and Ammunition] is hereby authorised in every case, before granting such license to require the person applying for the same to enter into a recognisance, with one or more good and sufficient security or securities, liable as principal debtor or debtors.

Controller of Arms and Ammunition may grant license to sell firearms.

Vide Law 6, 1876, § 7.

Bond required.

24. Any importer may sell and deliver to any licensed dealer, or one licensed dealer may deliver to any other licensed dealer, the whole or any part of the guns then actually in the possession of

Importer may sell to licensed dealer.

Firearms.

Vide Law 6,
1876, § 7.

All firearms sold
to be entered in
a book.

Monthly return
to Controller of
Arms and Am-
munition.

Vide Law 6,
1876, § 6.

Holders of fire-
arms to apply
for a licence
within fourteen
days.

Vide Law 6,
1876, § 7.

Licensed impor-
tors and dealers
to apply to
Resident Magis-
trate to keep
the firearms.

Vide Law 6,
1876, § 3.

Firearms when
sold to be taken
to Resident
Magistrate to be
registered.

Vide Law 6,
1876, § 3.

such importer or licensed dealer, as the case may be; and the importer or licensed dealer so selling shall notify his having done so to the [Controller of Arms and Ammunition], and such firearms shall be removed under and subject to the provisions of this Law.

25. Every person licensed to import or to sell firearms in the way of trade shall keep a book, in which he shall enter, or cause to be entered, an account of all such articles sold by such person, and the name and residence of the person to whom the same are, and the respective times at which the same were, sold, and shall every month return a copy of such account to the [Controller of Arms and Ammunition]; and if any such person shall not keep such book, or shall not truly enter or cause to be entered such account as aforesaid, or shall omit to make any such return as aforesaid, he shall for every such offence be deemed guilty of a contravention of this Law.

26. Every person having firearms in his possession not required for his own use or personal defence must, within fourteen days after the publication of this Law, apply for a license to the [Controller of Arms and Ammunition] to sell or keep such firearms for sale, and the [Controller of Arms and Ammunition] may at his discretion refuse to grant such license, or may grant permission to any such person to sell or transfer the same to a licensed dealer under this Law: and such license when so granted must specify the firearms licensed to be sold, the place where the same may be sold or exposed for sale, the time within which the same may be sold or exposed for sale, and shall not be taken to be or be a license to sell or keep for sale firearms under this Law: And provided, that in every such case the [Controller of Arms and Ammunition] may require such recognisance from such applicant, as is required from licensed dealers under this Law.

27. Every person licensed to import or keep for trade any firearms shall, within three days after the delivery to him, or to his authorised agent, of such firearms, deliver, or cause to be delivered, an application in writing, in the form in the schedule annexed, to the Resident Magistrate for the county or division in which he may reside, and the said Resident Magistrate shall, upon the production thereof, and upon the production of his license to import, or keep for trade, make an order for granting to such person a license to keep the firearms therein specified, and every such license shall be in the form A in the schedule annexed, and shall specify the number and description of firearms the keeping of which such license is to authorise.

28. Any person licensed to sell firearms in the way of trade as aforesaid shall, upon the sale of any firearms by him, produce such firearms so sold, together with such license in which such firearms shall be specified, to the Resident Magistrate, accompanied by the purchaser of such firearms, and the Resident Magistrate, if the purchaser appear to him to be a proper person to have firearms, shall thereupon erase from such seller's license the particular firearms so sold, and shall issue to the person purchasing the same a ticket of registration in the form marked B, and shall also stamp a mark on every such firearm the number and letter of such registration, and shall forthwith register the same in a book to be kept for that purpose.

Firearms.

29. Any importer, or person keeping firearms for sale, may lawfully remove the same from any licensed place to any other licensed place, upon obtaining a license from the Resident Magistrate, which license shall set forth and describe the number of firearms intended to be removed, the time within which the removal must take place, and the place to which they may be removed.

30. The Resident Magistrate granting such authority shall notify, in writing, to the Magistrate of the place to which such arms are to be removed, his having done so, and shall also forward with such notification a certified copy of the license or licenses, authorising such removal.

31. The person so removing such firearms as aforesaid shall, within the time specified in the license, and at the licensed place, produce the same to the Resident Magistrate of the place to which he has removed the said firearms, who shall compare the said firearms produced with such copy of the license forwarded as aforesaid.

32. No person shall wilfully obliterate, alter, or deface any license issued under this Law, and every license so defaced, altered, or obliterated, shall be deemed to be invalid.

33. No person shall convey, by any means whatsoever, any firearms through this Colony, or any part thereof, for sale, or trade, or barter, to any place or to any person, beyond the boundaries of this Colony, except upon special license and permission from the [Controller of Arms and Ammunition], and under such conditions and regulations as may be stipulated and sanctioned by him.

34. The master of every ship arriving at the port of this Colony shall, within twenty-four hours after such arrival, in addition to any report required by Ordinance No. 6, 1855, make a special report in writing to the Collector of Customs of the number and description of firearms on board such vessel, specifying the firearms which form part of the cargo, and those firearms which belong to the ship as part of her equipments or furniture.

35. Every master of a vessel leaving this port shall, previous to his departure, give satisfactory proof to the Collector of Customs that the firearms specified in his report, as appertaining to his vessel's equipment or furniture, are then on board said vessel.

36. No firearms shall, at any port or place within this Colony, be shipped, or placed on board any ship or vessel, or be placed or put on board any boat in order to be conveyed to any ship or vessel being in or near such port or place, in order to be carried to any other port or place whatsoever, without the permission in writing of the Collector of Customs first had and obtained, and the Collector of Customs shall, before granting such permission, require the parties applying for the same to enter into a bond, in the form hereunto annexed, with one or more security.

37. It shall and may be lawful for the Collector of Customs, or any Resident Magistrate or Justice of the Peace, to enter and search for, or, by warrant under his hand, to authorise any constable or other person named, to enter and search any building, place, ship, boat, wagon, or other vehicle, or examine and search any person or animal in which, or upon which, or by whom, such Collector of Customs, or Magistrate, or Justice of the Peace, shall have reasonable

Importers or dealers may remove firearms on license from Resident Magistrate.

Vide Law 6, 1876, § 3.

Magistrate to notify his having granted a license to remove.

Person removing to produce firearms.

Vide Law 6, 1876, § 3.

License not to be altered or defaced.

Firearms not to be conveyed through the Colony without license.

Vide Law 6, 1876, § 8.

Masters of vessels on arrival to make a special report of firearms.

Vide Ord. 6, 1855

On departure to account for them.

Firearms not to be shipped without permission of Collector of Customs.

Export bond.

Buildings, ships, boats, wagons, &c., may be searched.

Vide Law 6, 1876, § 3.

Firearms.

grounds to suspect any firearms shall be deposited, or kept, or conveyed, contrary to the provisions of this Law, and if any firearms be found therein or thereupon contrary to the provisions of this Law, to seize and carry away the same.

Persons carrying more than one gun may be apprehended, and brought before Resident Magistrate.

Vide Law 6, 1876, § 3.

38. When any person shall be found carrying more firearms than one gun, or be in the possession of, or conveying by any means when absent from his place of residence, more than one gun, it shall be lawful for any Resident Magistrate, Justice of the Peace, Fieldcornet, or Constable, or any other person duly empowered under warrant from the Resident Magistrate or Justice of the Peace, to examine such firearms, and to require the person so found carrying firearms to tell his name in full, and place of abode, and in case such person so found carrying firearms shall refuse to tell his name as aforesaid, or place of abode, or such person found carrying firearms be not duly licensed, it shall be lawful for the Justice of the Peace, Fieldcornet, or constable, so requiring as aforesaid, and also for any person acting by his order, and in his aid, to seize such firearms, and apprehend such offender, and bring him, as soon as conveniently may be, before a Resident Magistrate, and such Resident Magistrate may, if he shall think fit, cause the offender so apprehended and brought before him, to give sufficient security for his appearance to answer such charge as may be brought against him, and in default thereof may commit such person to any gaol, there to remain to answer such charge.

Firearms to be taken to Resident Magistrate for registration.

Vide Law 6, 1876, § 3.

39. Every person within the Colony who shall now or hereafter be the owner of, or shall have in his possession, any firearms, shall cause the same to be registered as hereinafter provided, and for that purpose shall take every such firearm to the Resident Magistrate of the county or division in which such person shall reside: Provided, that any firearm already registered under any former law need not be again registered: And provided also, that any such former registration, and any firearm under such former registration, shall be deemed a registration and a firearm registered under this Law.

Resident Magistrate to register and issue ticket.

Vide Law 6, 1876, § 3.

40. The respective Resident Magistrates shall, if the person so applying appear to him to be a fit and proper person to have firearms, forthwith register every such firearm in a book to be kept for that purpose, in the form in the schedule to this Law annexed, marked C, and shall issue, to the person registering the same, a ticket of registration, in the form marked B, and shall also stamp or mark on every such firearm the number of such registration.

Sellers, not being importers or dealers, to appear before Resident Magistrate to transfer firearms.

Vide Law 6, 1876, § 3.

41. The seller of any firearm, not being an importer, or a person keeping firearms for sale or trade, shall forthwith take such firearm, together with the ticket of registration appertaining thereto, to the Resident Magistrate for registration, as hereinbefore required, in the name of such purchaser; and the said Resident Magistrate shall thereupon, if the purchaser appear to him to be a proper person to have firearms, cancel such ticket, and issue another in lieu thereof, bearing the same number as the original ticket, with the name of the new owner, and shall keep a registry of such alteration.

Importers or dealers to register before transfer.

42. Every person importing, or any person keeping firearms for sale or trade, shall, before delivering any firearm out of his possession, cause the same to be registered in the name of the purchaser.

Firearms.

43. There shall be payable, by the person causing such registration, a fee of sixpence for every firearm so registered, to the officer registering the same, for his own use.

Fee payable for registration.
Vide Law 17, 1874, § 1.

44. Every person, licensed importer or trader, who shall be found in the possession of any firearms required to be registered, and not registered under this Law or any former law requiring such firearms to be registered, shall be deemed guilty of a contravention of this Law.

Persons found with unregistered arms guilty of a contravention.

45. Any person who shall wilfully obliterate, alter, or deface the registration number on any firearm, or the number or name inscribed upon any registration ticket, shall be deemed guilty of a contravention of this Law.

Obliterating or defacing registration number or ticket.

46. Any armourer, blacksmith, gunsmith, or other person, who shall take, or have in his possession, any firearms, for the purpose of being stocked or otherwise repaired, without such firearms being marked or stamped as registered, shall be deemed guilty of a contravention of this Law: Provided, that any importer or licensed dealer, or any person not residing within the Colony, may, upon the written permission of any Resident Magistrate, give to any person, for the purpose of being stocked, or otherwise repaired, any firearms in such permission mentioned.

Gunsmith, &c., not to repair firearms without their being registered.

Exceptions.

47. Nothing in this Law contained shall apply to affect any firearms the property or in the possession of this Government, or any person serving in Her Majesty's forces, or in any corps of volunteers or militia actually embodied, or any policeman, in respect of any firearms entrusted to, or used by any of them in their respective capacities aforesaid.

Firearms of the Government or Her Majesty's Forces excepted.

48. Every person licensed under this Law to import or trade in firearms, shall from time to time, when thereto required by a Resident Magistrate within his jurisdiction, by warrant under his hand, produce to any constable, or other person named in such warrant, the firearms which he shall be so licensed to keep. Every person having any firearms registered in his name shall, from time to time, when thereto required by a Resident Magistrate having jurisdiction over the same, produce to any constable, or other person named in such warrant, the firearms which shall be so registered in his name, or failing to produce such firearms, shall be compelled to account satisfactorily for their absence.

Firearms to be produced when called for.

49. It shall and may be lawful for the [Controller of Arms and Ammunition] for the time being, by an order in writing under his hand, from time to time, whenever and so often as he shall deem it expedient, and for such period of time as he may deem necessary, to withdraw, cancel, or suspend any license granted under this Law; and the person to whom such license shall have been granted shall be duly compensated for the firearms imported by him, and which may be still undisposed of, upon his delivering up the same: Provided, that such withdrawing, cancellation, or suspension of the license, shall not have been caused by any bad conduct, or contravention of this Law on the part of such licensed dealer.

Licenses may be suspended.
Vide Law 6, 1876, § 8.

50. The term "importer" shall apply to and mean the person shipping, or causing the shipment of firearms in any country, to be brought to this Colony, but shall not, for the purposes of this Law,

Definition of the term "importer."

Firearms.

extend to or include any person importing only one firearm for his own use, provided such firearm be registered in the Colony under this Law.

What to be
deemed contra-
ventions of this
Law.

51. Every breach of this Law or any part thereof, or any act, matter, or thing required to be done and not so done, under and in strict accordance with the provisions thereof, or any of them, or any act, matter, or thing which is forbidden, or which when done would be contrary to the provisions of this Law, or any one of them, or any proceeding which would be in any way in breach of the said Law or any part thereof shall be deemed and taken to be contraventions of the said Law, and be indictable.

Contraventions,
where to be
prosecuted.

52. All contraventions of this Law shall be prosecuted by indictment by the Attorney General, at the suit of the Queen, in the usual manner, before the Supreme Court, or any Circuit Court; and in the latter case, it shall not be necessary for the prosecutor to show, nor shall it be material whether the contravention charged was committed within the jurisdiction of such Circuit Court: Provided, however, that it appear that such contravention occurred within the Colony.

Powers of Court.

53. The Court may, on conviction of any contravention of this Law, impose any fine not exceeding one hundred pounds, and in default of payment award imprisonment for any period not exceeding twelve months, or until the said fine be paid; and may, in addition to such fine, sentence any person so convicted to imprisonment, with or without hard labour, for any period not exceeding two years; and may also, in addition to such fine and imprisonment, decree that any firearms, dealt with in contravention of this Law, and in respect of which such conviction was had, be forfeited to the Queen, her heirs and successors.

Proof of license
or exemption
to rest with
defendant.

54. In any prosecution or proceeding under this Law, if any question shall arise as to whether any party is duly licensed, or as to whether any person has given any notice or declaration required by this Law, or as to the benefit of any permission or exemption or license granted by this Law, the proof that the party is so licensed, or has given such notice or declaration, and that he is entitled to the benefit of such permission or exemption, shall be on the party against whom such prosecution or proceeding shall be had, and not on the party complaining.

Recognisance,
when due.

55. The recognisance and bond of any such surety, as provided by this Law, shall be considered due, and to be a liquid document of debt due to the Queen by such surety, and proper for granting of a provisional sentence in every case in which there shall be shown any single breach of the conditions thereof by the principal, either within the Colony or beyond the boundaries, and whether the principal shall be convicted of such breach or not, or whether such principal shall be absent from the Colony or not, and the amount may be levied on the goods and chattels of such security within the Colony.

Fines payable to
the Queen.

56. All fines imposed by this Law shall be paid to Her Majesty the Queen, her heirs and successors, for the public uses of the Colony: Provided that the Court may, in any case, award to be

Firearms.

paid any portion, not exceeding one-half thereof, to any person who shall have given such information as may have led to the conviction or detection of the offender in such case.

57. In case any action or suit shall be commenced against any person or persons for any matters or things done or executed in pursuance of this Law, such action or suit shall be commenced within three calendar months next after the alleged cause of action shall accrue, and the defendant or defendants in such action may plead the general issue, and the special matter in evidence on any trial to be had thereon, and prove the same was done under the authority of this Law.

Actions or suits to be commenced within three months.

58. In the construction of this Law, the word "firearms" shall be deemed and construed to include any description of guns, pistols, or any gun or pistol, lock, stock, or barrel.

Definition of firearms.

59. Any contravention, or breach of, or proceeding under the Laws or any of the Laws hereby repealed, may, notwithstanding such repeal, be prosecuted or proceeded in under the provisions of such repealed laws, or any of them, anything herein contained to the contrary notwithstanding.

Contraventions of former Laws may be prosecuted.

60. Nothing herein contained shall affect, or abrogate, or repeal, or interfere with the provisions of Law No. 5, 1859, entitled, "Law for preventing the sale of Gunpowder and Firearms " to, and prohibiting the possession of the same by, Natives."

Law No. 5, 1859, not affected or repealed.

61. The terms "Magistrate" and "Resident Magistrate" occurring in this Law shall be taken to be and to mean the Resident Magistrate of any County or Division, and shall not be deemed to mean or extend to any Mayor, or to any Borough or other local or Municipal Court, or the Mayor or other person presiding in such Court, now existing or hereafter to be created.

Definition of term "Resident Magistrate."

62. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*, after the passing thereof.

Commencement of Law.

SCHEDULE A.

Schedules.

Form of License to keep Firearms.

This is to certify, that upon the application of A. B., of who produced to me his license to import Firearms, I have this day granted to him the said , to keep at Street, in , the following Arms :

2 z

LAW No. 11, 1862.

<i>Firearms.</i>		
Guns.	Pistols.	Any other Firearms, describing them.
Single.		
Double.		

Given at
this day of

Resident Magistrate
for the of

SCHEDULE B.

Registration Ticket.

This is to certify, that, having taken into consideration the application of A. B., of , I have this day granted him a license, to keep at , in the County of , the following Firearms :

Guns.	Pistols.	Other Firearms, describing same.	Letter Stamped.	No. Stamped.

Given at
this day of

Resident Magistrate
for the of

Firearms.—Gunpowder.

Whereas, the above bounden hath, under Law No. ,
 1862, entitled a "Law to make better provision relative to the Im-
 "portation, Registration, and Sale of Firearms," applied for permis-
 sion to ship on board the , of , whereof
 is Master, the following firearms :
 to be on and by said ship carried to and landed at

Now the condition of this bond is such, that if the said
 shall, within months from the date hereof, produce and deliver
 to (*Collector of Customs in Natal*), a certificate signed
 by (*some officer at port of destination*), certifying that all said fire-
 arms have been landed at , or if the above bounden
 shall account for the said firearms to the satisfaction of the Collector
 of Customs at Natal, then this bond to be void, otherwise to remain
 in full force and virtue.

A. B.
 C. D.
 E. F.

In the presence of

} Witnesses.

Given at Government House, this 13th day of August,
 1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
 Colonial Secretary.

LAW No. 12, 1862.

(Signed) J. SCOTT.

Law to amend the Law regulating the Dealing in Gunpowder.

Preamble.

Vide Law 22,
 1872.

WHEREAS the laws now in force in this Colony, in regard to the
 sale and custody of gunpowder, are insufficient to prevent the illegal
 sale and custody thereof, and it is expedient to amend the same :

Be it therefore enacted, by the Lieutenant Governor of the
 Colony of Natal, with the advice and consent of the Legislative
 Council thereof, as follows :

Repeal of Law
 No. 22, 1861.

1. That Law No. 22, 1861, entitled "Law to amend the Laws
 "regulating the Dealing in Gunpowder," shall be, and the same is,
 hereby repealed.

Who to import
 gunpowder, &c.
 Vide Law 12,
 1863, § 1; Law
 12, 1865, § 1; and
 Law 6, 1876, § 5.

2. From and after the commencement of this Law, it shall not
 be lawful for any person to import or bring into this Colony, by sea,
 any gunpowder, percussion caps, or cartridges, except the Lieutenant
 Governor.

Gunpowder.

3. No gunpowder, percussion caps, or cartridges shall be imported or brought into this Colony overland, unless by permission in writing of the [Controller of Arms and Ammunition]: Provided always, it shall be lawful for any person, being a resident of the Orange Free State, the Transvaal Territory, or the Cape Colony, and not being a native of any of the tribes in South Africa, to bring with him, for his own use, overland into this Colony, a quantity of gunpowder not exceeding three pounds weight.

Controller of Arms and Ammunition's permission required for importing gunpowder, &c., overland.

Vide Law 22, 1872; and Law 6, 1876, § 8.

4. If any person, other than the said Lieutenant Governor, shall, without such authority as aforesaid, import or bring into this Colony any gunpowder, percussion caps, or cartridges, the same shall be forfeited to Her Majesty, her heirs and successors, and may be seized by any Resident Magistrate, or by any officer in Her Majesty's Customs, or any police constable; and any person importing or bringing the same, whether the owners thereof or not, shall, for every such importation or bringing thereof, be liable, upon conviction, to imprisonment, with or without hard labour, for any period not exceeding two years.

Penalty for importing gunpowder, &c., contrary to this Law.

Vide Law 12, 1863, § 1; and Law 6, 1876, § 3.

5. All gunpowder, percussion caps, or cartridges imported or brought into this Colony by sea, shall be landed at the Port of Natal, at such place as the Collector of Customs shall, from time to time, fix and appoint, or at such other place in the Colony as shall be appointed for the purpose, by writing under the hand of the [Controller of Arms and Ammunition].

Gunpowder, &c., where to be landed.

Vide Law 6, 1876, § 9.

6. The Collector of Customs may make such regulations as to the landing and conveyance of gunpowder, percussion caps, or cartridges, as to him may seem fit, and by such regulations may impose any penalty, not exceeding ten pounds, upon any person offending against the same: provided, that no such regulation shall be of any force until the same shall have received the sanction of the Lieutenant Governor and be published in the *Government Gazette*.

Collector of Customs to make regulations.

7. The master of every ship arriving at any port of this Colony, shall, within twenty-four hours after such arrival, in addition to any report required by Ordinance No. 6, 1855, make a special report, in writing, to the Collector of Customs, of the quantity of gunpowder, percussion caps, or cartridges, on board the said vessel, specifying the gunpowder which forms part of the cargo on board, and that which belongs to the ship, as part of her equipment or furniture; and if any master fail to make such report, or wilfully make an untrue report, he shall forfeit, for every such offence, any sum not exceeding fifty pounds sterling, and all gunpowder, percussion caps, or cartridges, found on board such vessel may be seized, and shall be forfeited to Her Majesty, her heirs and successors.

Masters of vessels on arrival to make special report.

Penalty.

8. Every master of a ship leaving the port of Natal, shall, previous to his departure, give satisfactory proof to the Collector of Customs, that the gunpowder, percussion caps, or cartridges appertaining to his ship's equipment or furniture, are then on board said vessel, or shall satisfactorily account for the same, and any master who shall fail or neglect to give such satisfactory proof, or to account for such gunpowder, percussion caps, or cartridges, shall be liable to a fine not exceeding fifty pounds sterling, and to imprisonment for any term not exceeding six months, and may be arrested by

On departure, to account for ammunition.

Penalty.

Gunpowder.

warrant, signed by such collector, and committed to gaol, there to remain to answer such charge, unless bail be given by two competent persons for that purpose.

Magazines to be authorised.

9. The Lieutenant Governor shall duly authorise depôts or magazines for the storing and sale of gunpowder, percussion caps, or cartridges, in the towns of Durban, Pietermaritzburg, and Ladysmith; and, by proclamation from time to time, at such other place or places as to him shall seem fit.

Officers to be appointed to sell gunpowder, &c., and control magazines.

10. The Lieutenant Governor may, from time to time, and at all times, appoint such persons as he may think proper, to sell gunpowder, percussion caps, or cartridges, or otherwise dispose of the same, at such depôts or magazines as aforesaid, and to control and manage such depôts and magazines.

Granting of permits to be at the discretion of Resident Magistrates, except in certain cases.

Vide Law 22, 1872; and Law 6, 1876, § 8.

Ten pounds of gunpowder to be maximum quantity for one year.

11. Any Resident Magistrate may, at his discretion, grant to any person whom he may think fit and proper, residing in his division, a permit or permits, enabling and entitling him to obtain from the person duly appointed to sell the same, the quantity of gunpowder, percussion caps, and cartridges, in such permits mentioned: Provided always, that no Resident Magistrate shall grant or issue any permit or permits to any one person, within twelve months, entitling him to obtain more than ten pounds weight of gunpowder, except with the permission in writing of the [Controller of Arms and Ammunition]: And provided also, that the said Resident Magistrate may, in deciding on the question of the granting such permit, either wholly refuse the same, or grant the same for a less quantity of gunpowder than that applied for: Provided always, that it shall not be lawful for any Resident Magistrate to grant any permit to any foreign or native Kafir, or to any Hottentot, except with the permission of the [Controller of Arms and Ammunition]: And provided, that in no case more than half a pound of powder be issued to one such individual in one year, and that each such permit be registered, and published in the usual way.

Kafirs or Hottentots half-a-pound only.

Vide Law 6, 1869, § 2; Law 22, 1872; and Law 6, 1876, § 8.

Gunpowder, &c., to be sold in accordance with permit.

12. No such person appointed as aforesaid shall give, sell, or barter to any person any gunpowder, percussion caps, or cartridges, except in strict accordance with such permit as aforesaid, and to the person named therein, and at such price as the Lieutenant Governor shall, from time to time, determine.

Permits to be registered.

Vide Law 6, 1876, § 3.

Penalty for unauthorised persons selling gunpowder, &c.

13. The Resident Magistrates respectively shall register all permits enabling the holder to obtain gunpowder, percussion caps, or cartridges, granted under this Law.

14. Any person, other than the person or persons appointed by the Lieutenant Governor as aforesaid, who shall sell or barter any gunpowder, percussion caps, or cartridges, in this Colony, shall be liable, upon conviction, to imprisonment, with or without hard labour, for any period not exceeding two years, and all gunpowder, percussion caps, or cartridges, in the possession of such person, shall be forfeited.

Gunpowder, &c., not to be stored otherwise than as provided.

15. No person appointed as aforesaid, shall keep or store any gunpowder, percussion caps, or cartridges, otherwise than is hereinbefore provided.

Penalty for unauthorised persons storing,

16. Any person, other than the person or persons appointed as aforesaid, who shall have in his possession, or who shall store any

Gunpowder.

quantity of gunpowder, or who shall be found conveying, or any person who shall be proved to have conveyed, or any person who shall be found removing, or shall cause to be removed, or be proved to have removed, by any means whatever, any gunpowder exceeding ten pounds in weight, without the permission, in writing, of the [Controller of Arms and Ammunition], shall be liable, upon conviction, to imprisonment, with or without hard labour, for any period not exceeding two years, and all gunpowder, percussion caps, or cartridges, so found shall be forfeited.

17. Any person or persons who shall be found conveying, or who shall be proved to have conveyed, by any means whatever, any gunpowder, percussion caps, or cartridges, for the purpose of trade, barter, or sale, without the permission, in writing, of the [Controller of Arms and Ammunition], shall be liable to a fine not exceeding fifty pounds, and to imprisonment, with or without hard labour, for any period not exceeding two years; and all gunpowder, percussion caps, and cartridges found in the possession of such person, together with every vehicle or animal used in the conveyance thereof, shall be forfeited.

18. The person or persons appointed as aforesaid, shall, on the first Monday of every month, transmit to the Resident Magistrate of the place where any gunpowder, percussion caps, or cartridges are kept for sale, a return, in writing, containing the name and residence of all persons to whom gunpowder has been sold, and the quantity sold to each, supported by the permits required by this Law, and showing the quantity still on hand.

19. The respective Resident Magistrates shall, on the first Monday in every quarter, transmit to the Colonial Secretary, copies of the said returns, for publication in the *Government Gazette*.

20. It shall and may be lawful for the Collector of Customs, or any Resident Magistrate, Justice of the Peace, Fieldcornet, constable, or any officer of Her Majesty's Customs, to enter into and search any house, place, ship, boat, wagon, or other vehicle, in which there may be reason to suspect that any gunpowder, percussion caps, or cartridges, are kept, contrary to this Law, and also to stop and to search any person, wagon, vehicle, or animal, by whom or upon which there may be reason to suspect that any gunpowder, percussion caps, or cartridges are being conveyed contrary to the provisions of this Law.

21. Any Resident Magistrate or Justice of the Peace may grant his warrant, addressed to any other person, to make such search as aforesaid.

22. No civil action shall be maintainable against any Magistrate, or other officer, for any act or proceeding under this Law, unless the summons shall be issued by, or at the suit of, the party complaining against such Magistrate or other officer, within three months from the date of the act or proceeding complained of.

23. Any Magistrate or other officer may, in answer to any such civil action, plead the general issue, and under such plea may give any special matter of defence in evidence at the trial.

conveying, or removing gunpowder.

Vide Law 6, 1876, § 8.

Gunpowder, &c., not to be conveyed for the purpose of trade unless by permission of Controller of Arms and Ammunition.

Vide Law 6, 1876, § 8.

Penalty.

Storekeepers to send monthly returns to Magistrate.

Vide Law 6, 1876, § 3.

Magistrates to send quarterly returns to Colonial Secretary.

Vide Law 22, 1872, § 6.

Who may search suspected houses, ships, vehicles, &c.

Vide Law 6, 1876, § 3.

Magistrates or Justices of the Peace may grant search warrant.

Vide Law 6, 1876, § 3.

Civil action not maintainable against Magistrate after lapse of three months.

Magistrate, &c., may plead the general issue in answer to any complaint.

Gunpowder.

Fines, how to be disposed of.

24. All fines imposed by this Law shall be paid to Her Majesty, her heirs, and successors, and, unless remitted, shall be applied to the use of the Government of this Colony; provided that the court may, in any case, award and direct to be paid any portion, not exceeding one-half thereof, to the person or persons who shall have given such information as may have led to the conviction of any offender.

Lieutenant Governor may make regulations for conveyances of gunpowder through the Colony.

25. The Lieutenant Governor may make such rules and regulations as he may see fit, for the conveyance through the Colony of any gunpowder, percussion caps, or cartridges, imported into this Colony.

Gunpowder, &c., seized to be forfeited to Her Majesty.

26. Any gunpowder, percussion caps, or cartridges, seized under this Law, shall be deemed forfeited to Her Majesty, without any adjudication of forfeiture being required.

Law not to extend to gunpowder, &c., the property of Her Majesty's Government.

27. Nothing herein contained shall extend to any gunpowder, percussion caps, or cartridges, the property of Her Majesty or Her Government: Provided that such gunpowder, percussion caps, or cartridges, shall not be sold in this Colony to any other person than the Lieutenant Governor.

How gunpowder, &c., can be exported.

28. No gunpowder, percussion caps, or cartridges, shall be exported from this Colony without the permission, in writing, of the [Controller of Arms and Ammunition]; and such exportation shall only be allowable under bond, in schedule to this Law annexed, with sureties for the due delivery of said gunpowder at the port for which permission has been obtained, and such bond to remain in force till the Collector of Customs has been satisfied that the said gunpowder has been duly delivered as aforesaid.

Vide Law 6, 1876, § 8.

Existing stocks of gunpowder, &c., to be taken over by Government.

29. At the date from which this Law takes effect, the officer or officers appointed by the Lieutenant Governor for the importation and sale of gunpowder, percussion caps, or cartridges, shall take over all existing stocks of percussion caps or cartridges then in the hands of private importers, at the cost price thereof, with thirty per cent. added, and in the event of any dispute as to such cost price, then at such cost price as shall be fixed by a majority of any three persons appointed in that behalf by the Lieutenant Governor: Provided always, that if any such percussion caps or cartridges shall be found damaged, or of a quality to render them useless for sale, the same shall be destroyed, under the provisions of this Law.

Price, how to be fixed.

30. For any contravention of this Law, for which no special fine or other punishment is provided, the party, for every such contravention, shall forfeit, upon conviction thereof, any sum not exceeding fifty pounds, or be liable to imprisonment, with or without hard labour, for any period not exceeding two years.

Penalty for contravention of this Law, where no special penalty is provided.

Proof of license or permission to rest with the defendant.

31. In any prosecution or proceeding under this Law, if any question shall arise as to whether any party is duly licensed, or as to whether any person has given any notice or declaration required by this Law, or as to the benefit of any permission or exemption granted by this Law, the proof that the party is so licensed, or has given such notice or declaration, and that he is entitled to the benefit of such permission or exemption, shall be on the party against whom such prosecution or proceeding shall be had, and not on the party complaining.

Gunpowder.

32. All contraventions of this Law shall be prosecuted by indictment, by the Attorney General, at the suit of the Queen, in the usual manner, before the Supreme Court, or any Circuit Court; and in the latter case it shall not be necessary for the prosecutor to show, nor shall it be material whether the contravention charged was committed within the jurisdiction of such Circuit Court: Provided, however, that it appear that such contravention occurred within the Colony.

Prosecutions to be by indictment by Attorney General.

33. The Lieutenant Governor may wholly exempt any gunpowder, percussion caps, or cartridges, brought into this Colony, and the person bringing the same, from the operation of this Law, when the person so importing or bringing the same shall not be a resident in Natal, and shall make it appear to the satisfaction of the Collector of Customs, or a Resident Magistrate, that such gunpowder, percussion caps, and cartridges, were imported in ignorance of the Law, and for his own special use.

Exempting clause.

34. Any contravention of, or proceeding under, the laws hereby repealed, may, notwithstanding such repeal, be prosecuted or proceeded in under the provisions of such repealed laws, anything herein contained to the contrary notwithstanding.

Contravention of former Laws may be prosecuted.

35. Nothing herein contained shall affect, abrogate, repeal, or interfere with the provisions of Law No. 5, 1859, entitled "Law for Preventing the Sale of Gunpowder and Firearms to, and prohibiting the possession of the same by, Natives," save as is provided in clause 11 of this Law.

Law No. 5, 1859, not abrogated or repealed, unless as specified.

36. The term "Magistrate" and the terms "Resident Magistrate" occurring in this Law, shall be taken to be and to mean the Resident Magistrate of any county or division, and shall not be deemed to mean or extend to any Mayor; and the term "cartridge" shall be taken to mean only cartridges containing gunpowder.

Interpretation clause.

37. This Law shall commence and take effect from the promulgation thereof in the *Government Gazette*.

Commencement of Law.

SCHEDULE.

Know all men by these presents, that we are held and firmly bound, unto the Colonial Secretary of the Colony of Natal, in the sum of _____ of good and lawful money of this Colony, to be paid to the said Colonial Secretary, or to the person for the time being acting as such, to which payment, well and truly to be made, we bind ourselves, and each of us by himself, *in solidum*, each for the whole, and our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our Seal.—Dated this _____ day of _____ in the Year of our Lord 186 .

Whereas the above bounden _____ hath, under the Law No. 12, entitled, "To amend the Laws regulating the Dealing

Gunpowder.—Declarations for Oaths.

"in Gunpowder," applied for permission to ship on board the (*vessel's and master's name*), (*quantity of gunpowder intended to be shipped*), to be on and by the said ship carried to, and landed at (*place of destination*). Now the condition of this obligation is such, that if the said (*the person about to make the shipment*), shall, within months from the date hereof, produce and deliver to (*the officer of customs at the port of shipment, or other functionary, as agreed on*), as proof that the has been duly disposed of, or (*whatever mode of proof may have been agreed on, such as certificate in writing signed by , certifying that all and singular the said matters and things have been landed at or otherwise, according to the circumstances*), or if the above bounden (*the person about to make the shipment*) shall account for the to the satisfaction of (*the officer of customs at the port of shipment, or other functionary, as agreed on*), then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered, in presence of

Given at Government House, this 13th day of August, 1862.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 13, 1862.

(Signed) J. SCOTT.

Law to make further provision in respect of the substitution, in certain cases, of Declarations for Oaths.

Preamble.

WHEREAS it is expedient to make further provision than is contained in Law No. 17, 1859, in respect of the substitution of Declarations for Oaths:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Previous Laws repealed.

1. The 5th section of Law No. 17, 1859, the Law No. 6, 1860, and the Law No. 10, 1861, shall be, and the same are, hereby repealed.

Declarations of jurymen or witnesses when lawfully made to be deemed an oath.

Vide Law 14, 1869; and Law 6, 1870, §§ 4, 6.

2. In all cases in which an oath may be lawfully administered to any person, either as a jurymen or witness, or a deponent in any proceeding, civil or criminal, in any Court, or on appointment to any office or employment, and the person to take any such oath shall, on the plea of conscience, object thereto, then, on any such occasion, any such person may, in lieu of such oath, make such form of declaration as is allowed by the fourth section of Law No. 17, 1859,

Declarations for Oaths.

with any such change for the words "the evidence that I shall give "in this case shall be the truth, the whole truth, and nothing but the "truth," as the occasion may require, and any such declaration shall, for all purposes of a prosecution for perjury, or of other subject matter of law, be deemed an oath.

3. When any person shall be before any Court for the purpose of giving evidence, and it shall appear to such Court that, by reason of seeming barbarousness or uncivilisation, or of absence of rational religious belief, or of other by such Court judged deficiency of or in such person it would be unseemly, irreverent, or otherwise improper or inadvisable to administer an oath to such person, there may, in lieu of an oath, be substituted on such occasion, by permission of such Court, in respect of such person, a declaration in these or equivalent words:

Declarations may be substituted for oaths in certain cases.

Vide Law 5, 1870, § 6.

"I do declare, that the evidence which I shall give in this case shall be the truth, the whole truth, and nothing but the truth; and I know that if I say anything falsely I may be severely punished."

Provided always, that such Court may require any such person, in so declaring, to hold up one hand, and may also give, or cause to be given to such person, admonition as to the nature and obligation of the declaration: Provided also, that nothing herein contained shall be deemed to render admissible the evidence of any person who would, under the second section of the said Law No. 17, 1859, be incompetent to give evidence: Provided also, that such Court shall not permit such substitution in respect of any person who shall then ask to be sworn in the usual manner, or to be permitted to take the declaration specified in the fourth section of the Law No. 17, 1859, and any such declaration by any such person shall, for all purposes of a prosecution for perjury, or of other subject matter of law, be deemed an oath; and in any such prosecution for perjury, evidence of any person having made such a declaration before any Court shall also be evidence that on such occasion some one or more of the circumstances referred to in the last foregoing section existed, sufficient to authorise thereunder the substitution of such declaration for an oath, and that such substitution was then permitted by such Court, and that such person did not ask to be sworn or declared.

Evidence of incompetent persons not rendered admissible.

Vide Law 17, 1859, § 2; and Law 5, 1870, § 6.

4. When, by any enactment for the time being in force in this Colony, any form in the way of declaration, affirmation, or the like, may, under any circumstances affecting any person, be substituted for an oath, for the purpose of such person giving evidence, such form respectively, with any requisite change to suit the case of written instead of oral testimony or deposition, may, in corresponding circumstances affecting any person, be substituted for an oath for the purpose of any affidavit, deposition, or the like, being made by such person; and such form so used shall, for all purposes of a prosecution for perjury, or of other subject matter of law, be deemed an oath, and the provisions of section three hereof, as to evidence, shall apply to any prosecution for perjury referred to in this section, which shall have relation to the form of declaration given by section three hereof, with any such requisite change as aforesaid,

Declarations or affirmations may be substituted for oaths in depositions or affidavits.

Declarations for Oaths.—Gaol Discipline.

In indictments or prosecutions the particular form of declaration made need not be set out.

5. In any indictment or other document in which any declaration, affirmation, or the like, allowed by any enactment for the time being in force in this Colony to be substituted under any particular circumstances for an oath, shall be referred to, such reference shall, so far as concerns any averment of authority in law for such substitution, be sufficiently made by stating in effect that such form or act of declaring, affirming, or the like, was, or was adopted or done in pursuance of the provisions of the enactment in question, referring thereto by number and section, or in other manner usual in that behalf, without its being necessary to set out the form of declaration, affirmation, or the like, or to allege the existence of any circumstances requisite to authorise such substitution.

Definition of the term "Court."

6. The word "Court" in this Law shall, for the purposes thereof, include any person or tribunal for the time being authorised to receive evidence upon oath, or to administer any oath.

Commencement of Law.

7. This Law shall be in operation from the promulgation thereof in the *Government Gazette* after the passing thereof.

Given at Government House, this 13th day of August, 1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 14, 1862.

(Signed) J. SCOTT.

Law to enable the Lieutenant Governor to make Rules and Regulations for the Maintenance of Order in the Public Gaols of the Colony.

Preamble.
Vide Law 6,
1870, § 12.

WHEREAS it is essential that rules and regulations should be established for the maintenance of order and discipline in the gaols of the Colony, and also for the conduct and management of the said gaols, and the duties of the officers thereof:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Lieutenant Governor to frame rules and regulations for the maintenance of order.

1. It shall be lawful for the Lieutenant Governor to frame and establish such rules and regulations as may be necessary for the maintenance of good order and discipline among the persons confined as prisoners in any public gaol within this Colony, and by such rules and regulations to impose any punishment, by solitary confinement, not exceeding ten days, or by whipping, not exceeding twenty-five lashes, for any infringement thereof: Provided, that no person imprisoned in any such gaol under any civil process, and no female, and no child under twelve years of age, shall be liable to the infliction of any punishment by way of whipping.

Punishment of prisoners.

Gaol Discipline.—Public Holidays.

2. The Lieutenant Governor may make rules defining the duties of all the officers attached to such gaol, and regulations relating to the classification, treatment, religious instruction, and safe custody of the prisoners, the employment and hard labour of prisoners, the mode of communicating by and with prisoners, the mode in which prisoners may be visited, the rations to be allowed to prisoners, the collection and conversion of all property within the gaol belonging to persons dying in the gaol, the dress to be worn by, and the cleanliness of, the prisoners, the care and maintenance of paupers or destitute persons placed in any gaol; and generally all such other rules and regulations as may be necessary for the maintenance of good order and discipline in any such gaol.

Rules and regulations may be made for other purposes.

3. The Lieutenant Governor may also, in any such rules and regulations applicable to all or to one or more of the gaols within the Colony, and may apply other regulations to any one or more of such gaols, or different regulations applicable to each gaol respectively in the Colony, provided that no such regulation shall be inconsistent with the provisions of this Law.

Rules may be made applicable to other gaols.

4. The Lieutenant Governor may also, in any such rules and regulations, determine the amount payable for the maintenance of any person imprisoned in any gaol under any civil process for debt at the suit of a private person.

Maintenance of civil prisoners.

5. This Law shall not apply to any borough gaol established under any Law now or hereafter in force in this Colony, save and except as by such Law may be provided.

Law not applicable to borough gaols.

6. The Lieutenant Governor may, at all times, and from time to time, alter or repeal any such rules and regulations wholly or in part, and may substitute others in their stead, as occasion shall require.

Rules may be altered or repealed.

7. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 13th day of August, 1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 15, 1862.

(Signed) J. SCOTT.

Law to declare Public Holidays, and the Law in relation to Bills of Exchange and Promissory Notes becoming payable upon Holidays.

WHEREAS it is expedient to declare what days, not being Sunday, shall be considered as public holidays, for the purpose of

Preamble.

Public Holidays.

applying to such holidays respectively, the rule or principle of law applicable to bills of exchange or promissory notes payable upon Sundays, which are deemed, for the purposes of presentation for payment, to become due upon the Monday following :

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the consent of the Legislative Council thereof, as follows :

What days are
public holidays.
Vide Law 2,
1870, § 25.

1. The following days shall, and are hereby declared to be, public holidays, viz., New Year's Day, Good Friday, Easter Monday, Whit Monday, the Queen's Birthday, Michaelmas Day, the 29th September, All Saints' Day, the 1st November, Christmas Day, and any day appointed by proclamation of the Lieutenant Governor as solemn fast or day of thanksgiving.

Bills, &c., falling
due on a holiday.

2. Any bill or promissory note becoming payable upon any of such holidays, shall be deemed and taken to become due and payable upon the day next succeeding such holiday, and not sooner, unless such succeeding day shall be a Sunday ; in which case such bill or note shall be deemed and taken to become due upon the following Monday : Provided, that whenever New Year's Day, the Queen's Birthday, Michaelmas Day, All Saints' Day, or Christmas Day, shall fall upon a Sunday, the Monday following shall be deemed and taken to be the holiday.

Bills, &c., falling
due on day next
preceding a
holiday.

3. As often as any bill of exchange or promissory note shall become due and payable upon the day next preceding any of the holidays aforesaid, it shall not be necessary or competent for the holder of such bill or note to give notice of the dishonour thereof until the day next succeeding such holiday.

Bills, &c., falling
due on a Sunday
the next day
being a holiday.

4. As often as any such holiday as aforesaid shall fall on a Monday, or, under the provisions of clause 2, falling on Sunday, shall be held to fall on the Monday succeeding, all bills and notes which become due and payable upon the next preceding Sunday, shall be deemed and taken to become due and payable upon the next succeeding Tuesday, and not sooner ; and in regard to all bills and notes which become due upon the Saturday next preceding any such holidays which fall on a Monday, it shall not be necessary or competent for the holder of any such bill or note to give notice of the dishonour thereof until the next succeeding Tuesday.

Commencement
of Law.

5. This Bill shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 13th day of August,
1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Inland Trade.

LAW No. 16, 1862.

(Signed) J. SCOTT.

*Law to regulate, in certain respects, the Conduct of Inland Trade,
by Persons residing in the Colony.*

WHEREAS persons residing in this Colony are in the habit of carrying on trade with the natives and others residing beyond the land boundaries of the same; and whereas other persons engage in hunting and shooting, and for these purposes proceed from and return to the Colony in prosecution thereof; and whereas it is expedient so to regulate the conduct of such traders and hunters, to the end that the illicit trading in firearms and munitions of war may be prevented, and for this purpose to provide measures which will reach and apply to such traders and hunters before their departure from, and after their return to, the Colony:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That it shall and may be lawful for the several Resident Magistrates of this Colony to grant a license to trade beyond the boundaries thereof to any person who shall apply for the same, and who shall satisfy the Resident Magistrate that he is a person of good character, and fit to be entrusted with such license.

Resident Magistrate to grant licenses.
Vide Law 6, 1876, § 3.

2. Every trader or hunter shall, before obtaining such license, produce to a Magistrate a statement in writing, signed by such trader or hunter, of the firearms, and all and every of them, he means to take with him for the defence of himself and property, or for his use in shooting and hunting, which statement shall contain a description of such firearms, and of each of them, and shall be signed by such trader or hunter.

Statement of firearms to be produced to Magistrate by trader or hunter.

3. The Magistrate shall retain such statement in writing in his possession, and shall give to such trader or hunter a duplicate thereof, marked and signed as approved by such Magistrate.

Statements to be retained by Magistrate, duplicate to be issued.

4. Every trader or hunter shall be bound, whenever called upon within the Colony by any Magistrate, Fieldcornet, or Constable, or by any military commissioned or non-commissioned officer, or by any person specially appointed thereto, to produce such statement, and also the firearms therein described, to any such person as aforesaid calling for the same.

Statement and firearms to be produced when called for.

5. Any of the persons in the last preceding section mentioned may, on the refusal of such trader or hunter to produce such statement, or the firearms therein mentioned, or, producing the statement, shall fail to produce the firearms, or shall produce firearms other than those mentioned in such statement, or a greater number than there are mentioned in such statement, or, producing the firearms, shall fail to produce such statement, may then arrest such trader or hunter, and cause him and any vehicle used by him, and the property therein, together with the animals drawing the same;

Liabilities if not produced, or if any deficiency exists.

Inland Trade.

or in cases where no vehicle is used, then the animals or persons carrying such property, together with such property, to be conveyed to the nearest Resident Magistrate.

Liability of persons aiding or assisting in the conveyance of firearms, &c.

6. Every person who shall knowingly aid or assist any trader or hunter in conveying firearms or munitions of war contrary to this Law, or who shall knowingly aid or assist any trader or hunter in evading any of the provisions of this Law, shall be guilty of a misdemeanour.

Bond required.

Vide Law 6, 1876, § 10.

7. Every trader or hunter shall, with one other person residing in the Colony as surety, before proceeding to trade or hunt, enter into the recognisance to this Law annexed, before any Magistrate, who shall transmit the same to the [Controller of Arms and Ammunition] within one month after the date of the execution thereof.

Trader or hunter to report his return.

8. Every trader or hunter, on returning to the Colony, shall cause the vehicles of conveyance to stop at the first convenient place adjacent to the boundaries of the Colony, and shall immediately report his return to the nearest Magistrate, Fieldcornet, or to any person appointed in that behalf by the Lieutenant Governor, who shall forthwith proceed thither and shall require such trader or hunter to produce the said statement in writing and the firearms in the possession of such trader or hunter, and if the number produced shall not correspond with that in the statement, or if the firearms produced are other than those described in such statement, and such trader or hunter shall not be able satisfactorily to account for any diminution of the number or change of such firearms, then such trader or hunter shall be arrested, and dealt with by such Magistrate, Fieldcornet, or other officer, as is provided in the fourth section of this Law.

And to produce or account for his firearms.

Interpretation clause.

"Trader;"

"Hunter;"

"Statement;"

"On returning to the Colony;"

"Magistrate;"

"Constable;"

"Place of residence in the Colony;"

"Firearms."

9. The word "trader" shall be taken to mean and to include any person conveying goods, by any means whatever, for the purpose of traffic, sale, or barter, with the natives beyond the boundaries of the Colony; the word "hunter" shall be taken to mean and include any person going beyond the boundaries of this Colony for the purpose of hunting or shooting, or taking beyond the boundaries of this Colony any firearms; the word "statement" required in writing by the first section of this Law shall be required for every trading journey, or part of a trading journey; and the terms "on returning to the Colony" shall be taken to mean every time that any such trader or hunter returns to the Colony from beyond the boundaries; the word "Magistrate" shall mean and include the Resident Magistrate and Justices of the Peace within the Colony; the word "Constable" shall mean any officer of the law, or any officer, non-commissioned officer, or private man employed in any police force or corps in the Colony; the terms "place of residence in the Colony," occurring in the first section, shall mean not only the actual residence of the trader or hunter, but also any place in which such trader or hunter may casually be, or in the course of his business or pursuit may resort to with the view of prosecuting his journey; the word "firearms" shall mean and include every double or single gun or pistol, of whatever kind, or the stocks or barrels or locks thereof, either together or attached, or separate, or apart: Provided always,

Inland Trade.

that no person resident in this Colony, or departing therefrom to trade or shoot in any of the South African Republics, shall be considered a trader or hunter within the meaning of this Law.

10. No trader, not carrying firearms for his defence, shall be permitted to have in his possession, or to convey, by any means whatever, any munitions of war.

Trader not to convey munitions of war.

11. Every Magistrate with whom any trader or hunter shall lodge the written statement required by this Law, shall determine and state in writing, both on the original thereof deposited with him, and the duplicate delivered to the trader or hunter, what munitions of war such trader or hunter has been allowed to take on the journey to which such statement relates; and if such trader or hunter shall be found to have any greater quantity of such munitions of war, or of a description different from that described on the duplicate statement, he shall incur the like responsibilities, and shall be dealt with precisely in the same manner as in this Law provided in the case of firearms.

Magistrate to note on statement the munitions of war allowed.

12. The terms "munitions of war" shall mean and include gunpowder, gun caps, flints, cartridges, saltpetre, sulphur, lead, zinc, and pewter.

Definition of the terms, "munitions of war."

13. There shall be paid by any offender, upon every conviction for a contravention of this Law, a fine, in the discretion of the Court, not exceeding £100, and such Court may also award imprisonment, with or without hard labour, for any period not exceeding two years.

Penalty.

14. The recognisance of every surety as provided by this Law, shall be considered due and to be a liquid document of debt due to the Queen by such surety, and proper for the granting of a provisional sentence in every case or cases in which the Crown shall show any single breach of the conditions thereof by the principal.

Bond, when due.

15. All contraventions of this Law shall be prosecuted by indictment by the Attorney General, at the suit of the Queen, in the usual manner, before the Supreme Court or any Circuit Court; and in the latter case it shall not be necessary for the prosecutor to show, nor shall it be material, whether the contravention charged was committed within the jurisdiction of such Circuit Court: Provided, however, that it appear that such contravention occurred within the Colony.

Contraventions, where prosecuted

16. All fines imposed by this Law shall be paid to Her Majesty, her heirs and successors, and, unless remitted, shall be applied to the uses of the Government of this Colony: Provided that, in any case, the Court may direct and award any portion, not exceeding one-half of said fine, to any person or persons who may have given such information as may have led to the conviction of any offender.

Fines, how disposed of.

17. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Inland Trade.

Schedule.

SCHEDULE.

Form of Recognizance.

Before me _____, Resident Magistrate of the _____ of _____ in the Colony of Natal; _____ of _____ in the County of _____ and _____ of _____ in the County of _____, acknowledge themselves to be jointly and severally indebted to Our Sovereign Lady the Queen, her heirs and successors, in the sum of One Hundred Pounds Sterling, to be levied on their, and each of their property, of what nature soever, moveable and immoveable, upon condition that _____ shall, whenever called upon by any person having authority so to do, produce the statement granted by me _____, and all firearms therein mentioned, and also produce, or satisfactorily account for, the munitions of war therein mentioned; and during the time he shall sojourn, travel, or be in Africa, beyond the boundaries of this Colony, conduct himself, and, as far as in him lies, cause his assistants and servants to conduct themselves, in a quiet and peaceable manner, towards all and every person with whom they shall meet beyond the said boundaries, and that he and his servants will, in case of attack or aggression on him or them, only act in defence of themselves, and his or their property; and that the said _____ will not give, barter, sell, or otherwise dispose of, or permit or suffer his assistants to do so, any firearms or munitions of war to natives beyond the boundaries, or any other person whomsoever, and shall immediately upon his return, report himself to the nearest Magistrate, Fieldcornet, or to any person appointed in that behalf by the Lieutenant Governor, and produce to whomsoever he has so reported himself, all the firearms in his possession, and shall also produce or satisfactorily account for the firearms and all munitions of war in the statement mentioned.

Given at Government House, this 13th day of August,
1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 17, 1862.

Law to Facilitate the Apprehension of Certain Offenders.

Disallowed. *Vide* Proclamation, 1st October, 1862.

Masters and Servants.—Rifle Associations.

LAW No. 18, 1862.

(Signed) J. SCOTT.

Law to declare the Law in respect to Ordinance No. 2, 1850.

WHEREAS it is expedient to declare the Law in respect to Ordinance No. 2, 1850, entitled "Ordinance regulating the relative rights and duties of Masters, Servants, and Apprentices." Preamble.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That the words "on complaint preferred and proof made before any Resident Magistrate," occurring in the third and fourth sections of the fourth chapter of said Ordinance, shall be construed to mean verbal or written complaint preferred by, or on behalf of, either the master or the servant, as the case may be, and proof made thereof, and shall not be construed to mean that any writ or summons is required before such Magistrate can hear or determine any such complaint: Provided that any Resident Magistrate may, on sufficient grounds to him appearing, direct any complaint to be proceeded in by the previous issuing of a summons. Explaining the words, "on complaint preferred and proof made before any Resident Magistrate." Vide Law 2, 1850, cap. 4, §§ 3, 4.

2. No judgment or order, or other proceeding of any Resident Magistrate or Justice of the Peace under this Law, shall be quashed or annulled for want of form, or be impeached or affected by reason of any mistake, defect, error, or omission in the same: Provided such judgment, order, or other proceeding, be, in substance and effect, in conformity with and according to the true intent and meaning of Ordinance No. 2, 1850. Want of form, error, or omission not to set aside judgment.

3. No conviction under Ordinance No. 2, 1850, against a servant or apprentice, shall have the effect of cancelling the contract of service or apprenticeship. Conviction not to set aside contract of service.

4. This Law shall take effect from and after the promulgation thereof in the *Government Gazette*. Commencement of Law.

Given at Government House, this 13th day of August, 1862.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 19, 1862.

(Signed) J. SCOTT.

Law to promote the Establishment of Rifle Associations for the Defence of this Colony.

WHEREAS it is expedient to promote the formation and establishment of Rifle Associations for the defence of this Colony; Preamble.

Rifle Associations.—Friendly Societies.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Establishment
of rifle associa-
tions.

1. It shall be lawful for any number of persons residing in any part of this Colony, not being aboriginal natives of South Africa, or descendants of the same, with the sanction of the Lieutenant Governor, to form themselves into Rifle Associations, for rifle shooting and organisation, for purposes of defence: Provided that the said Lieutenant Governor may, in the event of his deeming it expedient to do so, disband any such association.

Rules and bye-
laws may be
made.

Fines may be
imposed.

Lieutenant
Governor to
sanction rules
and bye-laws.

2. It shall be lawful for every such association to make rules and bye-laws regulating the duties of its members, and for the enforcing of such rules and bye-laws, and by such rules and bye-laws to impose any penalty not exceeding £5.

3. It shall be lawful for the Lieutenant Governor, if he shall approve of such rules and bye-laws, to sanction the same by proclamation under his hand, and such rules and bye-laws shall thereupon have the force of law, in the same manner as if the same were inserted in this Law.

Election of com-
mittee, &c.

4. The members of every such association shall have the power of electing such of its members as the association shall deem fit, to act as a committee, or council, or officers, under such terms and conditions as the rules may provide.

Fines, how
recovered and
appropriated.

5. Every such association shall be entitled to the benefit of all fines and forfeitures levied under or by virtue of such rules and bye-laws as aforesaid; and all such fines shall be recoverable in the manner fixed by such bye-laws.

Commencement
of Law.

6. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 18th day of August, 1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 20, 1862.

(Signed) J. SCOTT.

Law for the Encouragement and Relief of Friendly Societies.

Preamble.

WHEREAS the protection and encouragement of Friendly Societies in this Colony, for raising, by voluntary subscriptions of the members thereof, with or without the aid of public assistance, donations and funds for the mutual relief and maintenance of the said members, and of their wives and children, in sickness, old age, and infirmity, and for the funeral and other expenses of the same, is

Friendly Societies.

likely to be attended with very beneficial effects, by promoting the happiness of individuals, and at the same time diminishing the public burthens :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. That it shall and may be lawful for any number of persons to form and establish a friendly society under the provisions of this Law, for the purpose of raising, by the voluntary subscriptions of the members thereof, with or without the aid of donations, a fund for any of the following objects :

Friendly societies may be established for certain purposes.

1. For insuring a sum of money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the wife or child of a member.
2. For the relief and maintenance of the members, their husbands, wives, children, brothers or sisters, nephews or nieces, in old age, sickness, or widowhood, or the endowment of members, or nominees of members, at any age.
3. For any purpose which shall be authorised by the Lieutenant Governor of Natal, as a purpose to which the powers and facilities of this Law ought to be extended.

Provided that no member shall contract for an annuity exceeding Thirty Pounds per annum, or a sum payable on death, or any other contingency, exceeding Two Hundred Pounds.

Limit of payments to be made.

2. And if such persons so intending to form and establish such society, shall transmit rules for the government, guidance, and regulations of the same to the Master of the Supreme Court, and shall obtain his certificate that the same are in conformity with the law as hereinafter mentioned, then the said society shall be deemed to be fully formed and established from the date of said certificate.

Society to be deemed established when rules are certified by the Master of the Court.

3. Every friendly society established under this Law shall, at some meeting of its members, and by a resolution of a majority of the members then present, nominate and appoint one or more person or persons to be a trustee or trustees for the said society, and the like do in any case of vacancy in said office ; and a copy of the resolution so appointing such person or persons to the office of trustee, and signed by such trustee or trustees, and by the secretary of the said society, shall be sent to the Registrar of the Supreme Court, to be deposited by him with the rules of said society in his custody.

Trustees to be appointed.

Resolution to be forwarded to Registrar of Court.

4. All property whatsoever, moveable and immoveable, belonging to any society established under this Law, shall be vested in such trustee or trustees for the time being, for the use and benefit of such society and the members thereof ; and the moveable or immoveable property of any branch of a society shall be vested in the trustees of such branch, and be under the control of such trustee or trustees. And upon the removal, resignation, or death of any such trustee or trustees, the same shall vest in the succeeding trustee or trustees for the same estate and interest as the former trustee or trustees had therein, without any cession, transfer, or assignment whatsoever.

Property to be vested in trustees ;

In case of vacancy, in succeeding trustee without transfer.

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And in all actions or suits, or indictments in any court, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in his or their proper name or names as trustee of such society, without any further description.

Trustees to bring or defend actions and suits.

5. The trustee or trustees of any such society are hereby authorised to bring or defend, or cause to be brought and defended, any action, suit, or prosecution, in any court, touching or concerning the property, right, or claim to property of the society for which he or they are such trustee or trustees as aforesaid. And such trustee or trustees shall or may, in all cases concerning the immoveable and moveable property of such society, sue and be sued in any court, in his or their proper name or names as trustee or trustees without any other description: And no such action, suit, or prosecution shall abate or be discontinued by the death of such person, or his resignation or removal from office of trustee, but the same shall and may be proceeded in, by or against the succeeding trustee or trustees, as if such death, resignation, or removal had not taken place: Provided that every such prosecution shall be commenced under and subject to the law in force respecting private prosecutions.

Liability of trustees.

6. No trustee or trustees of any such society shall be liable to make good any deficiency which may arise or happen in the funds of such society, but shall be liable only for the monies which shall be actually received by him or them on account of such society.

Treasurer to give security.

7. The treasurer of every such society, or any other officer who is required by the rules to give security, shall, before he take upon himself the execution of his office, become bound, with one sufficient security, in a bond as near as may be to the form set forth in the schedule to this Law, in such penal sum as the society or committee of management shall direct and appoint; and every such bond shall be given to the trustee or trustees of the said society for the time being, and shall be by him or them duly registered. And if the said bond shall become forfeited, it shall be lawful for such trustee or trustees to sue upon such bond for the use of such society.

Bond to be registered by trustee.

Treasurer to render accounts when called upon.

8. Every such treasurer or other officer, at such time as, by the rules of such society, he should render such account as is hereinafter mentioned, or upon being required so to do by the trustee or trustees of such society, or by a majority of the said committee of management, or by a majority of the members present at a meeting of the said society, within seven days after such requisition, shall render to the trustee or trustees of the society, or to the said committee of management, or to the members of such society at a meeting of the society, a just and true account of all moneys received and paid by him since his appointment, or since he last rendered an account, and of the balance then remaining in his hands, and of all bonds or securities of such society; which account the said trustee or trustees or committee of management shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer, if thereunto required, upon said accounts being audited, shall forthwith hand over to the said trustee or trustees the balance which, on such audit, shall appear to be due from him; and shall also, if required, hand over to such trustee or trustees, all securities

Accounts to be audited.

If called upon, to hand over the balances, securities, &c.

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and effects, books, papers, and property of the said society in his hands or custody; and if he fail to do so, the trustee or trustees of the said society may sue upon the bond aforesaid, or may sue such treasurer in any court having jurisdiction, for the balance appearing to have been due from him, and for all moneys received by him on account of said society and not paid over, and for the securities and effects, books, papers, and properties in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of said society. And in such action, the trustee or trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

Failing to do so,
Treasurer may
be sued.

9. If any person appointed or employed in any office in any friendly society established under this Law, whether such employment or appointment was before or after the legal establishment of such society, and having in his hands or possession, by virtue of his office, any moneys or property whatsoever of such society, or any deeds or securities belonging to such society, shall die, or become or be declared an insolvent, or have any execution or attachment, or other process, issued against any part of his property, moveable or immoveable, or shall make any assignment or other disposition of his property in favour of his creditors, the heirs, executors, administrators, or assigns of every such officer, and any other person having or claiming right to the property of such officer, and the sheriff or other person executing any such process of law, shall, upon demand in writing made by the treasurer, or by the trustee, or any two of the trustees of such society, or any person appointed at some meeting to make such demand, deliver and pay over all such moneys, properties, deeds, and securities belonging to such society to such person as such treasurer or such trustee shall appoint; and shall pay out of the estate, assets, or effects, moveable or immoveable, of such officer all sums of money due which such officer shall have received, before any of his debts are paid, and before any claims upon him shall be satisfied, and before any money directed to be levied under any process of law is paid over. Nothing herein contained shall, however, be construed to mean that such society as aforesaid shall have the right to claim any preference over any immoveable property specially mortgaged for any just and legal debt, until such debt shall have been first paid, or otherwise liquidated.

Preferent claim
of society on
property of in-
solvent employé.

10. If any officer, member, or other person being or representing himself to be a member of such society, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition, shall obtain possession of any moneys, securities, books, papers, or other effects of such society, or, having the same in his possession, shall withhold or misapply the same, or shall wilfully apply any part of the same to purposes other than those expressed or directed in the rules of the society, or any part thereof, it shall be lawful for the Attorney General, upon sworn complaint made by any member on behalf of such society, to direct the Clerk of the Peace to prosecute the person so complained of before the Resident Magistrate's Court, or any other court that may be established, having jurisdiction over the locality where the offence may have been committed: And if the

Mortgages on
immoveable prop-
erty excepted.

Members or
others obtaining
possession of
securities,
moneys, &c., by
false representa-
tions may be
sued in the Ma-
gistrate's Court.

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Powers of Resident Magistrate.

Resident Magistrate, or other person presiding or acting as Resident Magistrate in any other court as aforesaid, shall determine the said complaint proved against such person, he shall order such person to deliver up all such moneys, securities, books, papers, or other effects to the society, or to repay the amount of money applied improperly, and to pay, if he should think fit, a further sum of money, not exceeding twenty pounds sterling, together with costs not exceeding forty shillings: And in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs, the person so convicted may be imprisoned with or without hard labour, for any period not exceeding three months. Provided, that nothing herein contained shall prevent the Attorney General from proceeding by indictment against said party. Provided also, that no person shall be proceeded against by indictment, if a conviction shall have been previously obtained for the same offence under the provisions of this Law.

Attorney General may proceed by indictment, except where a previous conviction is obtained.

Rules to be framed before society is established.

11. Before any friendly society shall be established under this Law, the persons intending to establish the same shall agree upon and frame a set of rules for the regulation, government, and management of such society; and in such rules they may, amongst other things, make provision for appointing a general committee of management of such society, and delegating to such committee all or any of the powers given by this Law to the members of friendly societies formed or established under or by virtue of the same; and such rule shall set forth:

- 1st. The name of the society, and place of meeting for the business of the society.
- 2nd. The whole of the objects for which the society is to be established; the purposes for which the funds thereof shall be applicable; and the conditions under which any member may become entitled to any benefit assured thereby; and the fines and forfeitures to be imposed on any member of such society.
- 3rd. The manner of making, altering, and rescinding rules.
- 4th. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.
- 5th. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
- 6th. The manner in which disputes between the society and any of its members, or any persons claiming by or through any member, or under the rules, shall be settled.

And the rules of every such society shall provide that all moneys received or paid on account of each and every particular fund or benefit assured to the members thereof, their husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, for which a separate table of contributions payable shall have been adopted, shall be entered in a separate account, distinct from the moneys received and paid on account of any other benefit or fund;

Friendly Societies.

and also that a contribution shall be made to defray the necessary expenses of management, and a separate account shall be kept of such contributions and expenses.

12. Two printed or written copies of such rules, signed by three of the intended members and secretary, or other officer, shall be transmitted to the Master of the Supreme Court; and the said Master of the Supreme Court shall advise with the secretary or other officer, if required, for the purpose of ascertaining whether the said rules are calculated to carry into effect the intentions and objects of the persons who desire to form such society; and if the said Master of the Supreme Court shall find that such rules are in conformity with law and the provisions of this Law, he shall give a certificate in the form set forth in the schedule to this Law; and shall return one of the said copies to the said society, and shall transmit the other to the Registrar of the Supreme Court, to be by him filed in his, the Registrar of the Supreme Court's office: And for such certificate there shall be payable to the Master of the Supreme Court granting such certificate a sum of two guineas for his own use.

Rules to be transmitted to the Master of the Supreme Court;

Who is to certify them, if in conformity with Law.

One copy to be filed with Registrar.

Fee payable to Master.

13. After the rules of a friendly society shall have been so certified by the Master of the Supreme Court as aforesaid, it shall be lawful for such society, by a resolution at a meeting specially called for that purpose, to alter, amend, or rescind the same, or any of them, or make new rules; and if the said Master of the Supreme Court shall find that such alterations, amendments, or new rules are in conformity with law, he shall give to the society a certificate in the form set forth in the schedule annexed to this Law, and return one of the copies to the society, and shall transmit the other to the Registrar of the Supreme Court, to be filed in his office; and as against any such member or person such certificate shall be conclusive of the validity thereof: And rules, alterations, and amendments, when so certified as aforesaid, shall be binding on the several members of the said society, and all persons claiming on account of a member, or on account of the said rules.

Rules may be altered or amended.

To be certified and dealt with in the same manner.

Amended rules binding.

14. If any person shall give to any member of a friendly society established under this Law, or to any person intending or applying to become a member of such society, a copy of any rules, or of any alterations or amendments of the same, other than those certified by the Master of the Supreme Court, with a copy of his certificate appended thereto, under colour that the same are binding upon the members of such society, or shall make any alterations or additions to any of the rules of such society, after they shall have been certified by the Master of the Supreme Court, and shall circulate the same, purporting that they have been duly certified under this Law, when they shall not have been so certified, every person so offending shall be guilty of the crime of fraud.

Persons circulating untrue copies of certified rules to be deemed guilty of fraud.

15. All rules of any society established under this Law, and all copies thereof, or extracts therefrom, and all writings and documents relating to a friendly society, and purporting to be signed by the Master of the Supreme Court, shall, in the absence of any evidence to the contrary, be received in all courts without proof of the signature thereto.

Rules, &c., purporting to be signed by the Master to be received as proof in the absence of evidence to the contrary.

Friendly Societies.

Funds, how to be
invested.

16. The trustee or trustees of every friendly society established under this Law, shall, from time to time, with the consent of the committee of management of such society, or of a majority of the members of such society present, at a general or special meeting thereof, or in accordance with the rules of such society, invest the funds of such society, or any part thereof, to any account in any bank on deposit or current receipts, or in the purchase of the shares of any bank, or any fire or life assurance company, or in any company established by charter, or in railway bonds or shares, or in mortgage upon immoveable property, or on such security as the rules of such society may direct, and not being the purchase of immoveable property (save and except the purchase of some house or buildings wherein to hold the meetings or transact the business of such society, and save and except the purchase of land for the purpose of erecting such houses or buildings), and not being personal security, except in the case of a member of one full year's standing at least, and in respect of a sum not exceeding one-half the amount of his assurance on his life; such member providing the bond of himself and two satisfactory sureties for repayment; and in case of such member's death before repayment, the amount of such advance, with interest, may be deducted from the sum so assured, without prejudice, in the meantime, to the operation of such security.

Trustees may
subscribe to any
hospital, &c.

17. The trustees of any friendly society may, out of the funds thereof, subscribe to any hospital, infirmary, charitable or other provident institution, such annual or other sum as may be agreed upon by the committee of management, or by a majority of the members at a meeting called for that purpose, in consideration of any member of such society, his wife, child, or other persons nominated, being eligible to receive the benefits of such hospital or other institution, according to the rules thereof.

Disputes to be
decided accord-
ing to the rules.

18. Every dispute between any member or members of any society established under this Law, or any person claiming through or under a member, or under the rules of such society, and the trustee, treasurer, or other officer, or the committee thereof, shall be decided in manner directed by the rules of such society; and the decision so made shall be binding and conclusive on all parties, without appeal.

Application for
the removal of
trustees, &c.,
may be made to
Courts of Law.

19. In all friendly societies established under this Law, all applications for the removal of any trustee, or for any other relief, order, or direction, or for the settlement of disputes that may arise, or that may have arisen in any society, the rules of which do not prescribe any other mode of settling such disputes, or to enforce the decision of any arbitrators, or to hear or determine any dispute, if no arbitrator shall have been appointed, or if no decision shall be made by the said arbitrator within forty days after application has been made by the member or person claiming through or under a member, or under the rules of the society, may be made to the Supreme or Circuit Court, or to the Resident Magistrate's Court of the county or district within which the usual or principal place of business of the society shall be situated; and such Supreme or Circuit Court, or Resident Magistrate's Court shall, upon the application of any person interested in the matter, entertain such application; and the

Friendly Societies.

said Supreme Court, and Circuit Court, and Resident Magistrate's Court, may give such relief, and make such order and directions in relation to the matter of such application as may be necessary, and the circumstances of the case may require.

20. The trustees of friendly societies established under this Law, or the officer thereof appointed to prepare returns, shall, once in every year, in the month of January, transmit to the Master of the Supreme Court, a general statement of the funds and effects of such society during the past twelve months, and a copy of the last annual report of such society.

Trustees to transmit yearly statements to the Master of the Court.

21. A person under the age of twenty-one may be elected and admitted a member of any society established under this Law, the rules of which do not prohibit such election, and may, and he is hereby empowered to execute all necessary instruments, and to give all necessary acquittances: Provided that, during minority, he shall not be competent to hold any office of director, trustee, treasurer, or manager of such society.

Minors may be admitted members.

22. In any society in which a sum of money may be insured, payable on the death of a child under ten years of age, it shall not be lawful to pay any sum for the funeral expenses of such child, except upon production of a certificate signed by a qualified medical practitioner, stating the probable cause of death; and no trustee or officer of any society, upon an insurance of a sum payable for the funeral expenses of any child, shall knowingly pay a sum which shall raise the whole amount receivable from one, or more than one, society for the funeral expenses of a child under ten years to a sum exceeding ten pounds: And any such trustee or officer who shall make any payment otherwise than as aforesaid, shall be liable to a penalty not exceeding ten pounds, upon conviction thereof before the Resident Magistrate of the county or division in which such death shall have taken place.

Funeral expenses of children under ten years of age, when payable.

Not to exceed £10.

23. It shall be lawful for the members of any society established under this Law, at some meeting of said society, to be specially called in that behalf, to dissolve and determine said society by consent: Provided that no society established under this Law, shall be dissolved or determined without obtaining the votes of consent of five-sixths in value of the then existing members thereof, including the honorary members: And, for the purpose of ascertaining the votes of five-sixths in value of the numbers as aforesaid, every member shall be entitled to one vote, and an additional vote for every five years that he may have been a member of said society; but no one member shall have more than five votes in the whole: And such society shall not be determined and dissolved, unless all persons then receiving or entitled to receive any relief, annuity, or other benefit from the funds thereof, shall first have testified under their hands that such claim is duly satisfied, or unless adequate provision is made for satisfying such claim: And the intended appropriation or division of the funds or other property shall be fairly and distinctly stated in the agreement for dissolution, prior to such consent being given: And the agreement for such dissolution, duly, as aforesaid, accompanied with a declaration by one of the trustees, that the provisions of the law have been complied with, shall be transmitted to

Society, how to be dissolved.

Friendly Societies.

the Master of the Supreme Court, to be by him filed with the rules in the Registrar of the Supreme Court's office: And such agreement shall thereupon be an effectual discharge to the trustees, treasurer, and other officers of such society, and operate as a release from all the members of the society to such trustees, treasurer, and other officers: And it shall not be lawful in any society to direct a division or appropriation of any part of the stock thereof, except for the purposes of carrying out the general objects declared in the rules, as originally, certified, unless the claim of every member is duly satisfied, or adequate provision be made for satisfying such claim: And in case any member of any such society shall be dissatisfied with such provision, it shall be lawful for him to apply to the Supreme Court or Circuit Court, upon motion for relief or other order, and the said Supreme or Circuit Court shall make such order or direction in relation thereto as the nature of the case may require.

Commencement
of Law.

24. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Schedules.

SCHEDULES.

Form of Certificate to Rules of Friendly Societies.

I hereby certify that the foregoing Rules (*or the alterations or amendment of the Rules*) of the _____ Society, at _____, in the County of _____, are in conformity with Law, and that the Society is duly established from its present date; and is subject to the provisions and entitled to the privileges of the Laws relating to Friendly Societies.

Form of Bond.

Know all men by these presents, that we, A. B., of _____, Treasurer (*or other officer*) of the _____ Society established at _____, in the County of _____, and C. D., of _____ (*as surety on behalf of the said A. B.*), are jointly and severally held and firmly bound to A. B., of _____, C. D., of _____, and E. F., of _____, the Trustees of the said Society, in the sum of _____, to be paid to the said A. B., C. D., and E. F., as such Trustees, or their successors, Trustees for the time being, or their certain attorney; for which payment, well and truly to be made, we jointly and severally bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals.

Dated at _____ the _____ day of _____ .

Friendly Societies.

Whereas, the above bounden A. B. hath been duly appointed Treasurer () of the Society, established as aforesaid, and he, together with the above bounden C. D. as his surety, have entered into the above-written bond, subject to the conditions hereinafter contained:

Now, therefore, the condition of the above-written bond is such, that if the said A. B. shall do and faithfully execute his office of Treasurer () of the said Society, established as aforesaid, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said Society in his hands or custody to such person or persons as the said Society shall appoint, according to the rules of the said Society, together with the proper or legal receipts and vouchers for such payments; and likewise shall and do in all respects well and truly perform and fulfil his office of Treasurer to the said Society according to the rules thereof; then the above-written bond shall be void and of no effect, otherwise shall be and remain in full force and virtue.

Given at Government House, this 13th day of August,
1862.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 21, 1862.

Law amending and consolidating the Laws in regard to Municipal Corporations.

Repealed by Law No. 19, 1872, § 2.

LAW No. 22, 1862.

Law to remedy certain defects in Law No. 21, 1862.

Repealed by Law No. 19, 1872, § 2.

PRIVATE LAW.

Law to repeal §§ 6, 10, 12, 28, 39, and 47 of the Law, "For incorporating the Natal Bank;" and to make provisions in lieu thereof.

Repealed by Law No. 9, 1874, § 1.

Natal Land and Colonization Company.

PRIVATE LAW.

(Signed) J. SCOTT.

To enable the Natal Land and Colonization Company (Limited) to Purchase, and Hold, and Transfer Lands and Immoveable Property in Natal.

Preamble.

WHEREAS, a joint-stock Company was on the fourth day of December, One thousand eight hundred and sixty, incorporated in England according to the provisions of the statute passed in the Imperial Parliament of Great Britain and Ireland in the nineteenth and twentieth years of the reign of Her present Majesty, and entitled the "Joint Stock Companies Act, 1856," under the style or title of "The Natal Land and Colonization Company (Limited)," for the purpose of, amongst other things, purchasing, holding, letting, selling, granting, alienating, exchanging, or otherwise dealing with immoveable property in the Colony of Natal:

And whereas, the said Company is by the said Joint Stock Companies' Act, 1856, empowered to hold lands: and it is necessary, for the purpose of enabling the said Company with facility to carry out its objects, that the said Company should be empowered to purchase, hold, transfer, and otherwise deal with immoveable property in the Colony of Natal in the corporate name of the said Company:

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows, that is to say:

Seal.

General powers of the Company.

1. That the said Natal Land and Colonization Company (Limited) shall have and use in Natal a Common Seal, with the name of the Company inscribed thereon; and shall be and they are hereby empowered and authorised in the name of the Company to purchase, take, acquire, and hold to themselves and their successors and assigns in fee simple, quitrent, or otherwise, immoveable property of any nature, tenure, or kind whatsoever in the Colony of Natal; and to sell, dispose of, alienate, transfer, grant, mortgage, charge, exchange, or lease, or otherwise deal with all or any part of such immoveable property in said Colony for any estate or interest therein, from time to time and in such manner as the directors of said Company may think fit: Provided always, that all acts, deeds of transfer, mortgage and other bonds, proper for registration shall be passed by the manager for the time being of said Company in Natal when duly authorised thereto by the directors of the Company under the said corporate seal of the Company, or by his attorney duly authorised in that behalf: And further, all contracts, leases, and other acts and documents made and entered into by the directors of said Company, and not proper for registration, shall, when authorised in like manner under the corporate seal of the said Company, be entered into, done, and performed by the manager of said Company for the time being in Natal, or his duly authorised attorney.

How to sue, and who sued.

2. The said Company shall sue and be sued by its corporate name in respect of any claim by or upon the Company upon or by any person, whether a member of the Company or not, so long as

Commercial and Agricultural Bank of Natal.

any such claim shall remain unsatisfied; and services of any notice or process whatsoever on the manager for the time being of the said Company resident at Natal, or at the office of the said Company in Natal, shall be deemed and taken to be good and sufficient service of such notice and process on the said Company.

3. This Law shall be taken to be a Public Law, and shall be noticed as such in all Judicial Courts in this Colony; and shall commence and take effect from and after the publication thereof in the *Government Gazette* of this Colony. Commencement
of Law.

Given at Government House, this 28th day of March,
1862.

By command of His Excellency the Lieutenant Governor,
(Signed) T. SHEPSTONE,
Acting Colonial Secretary.

PRIVATE LAW.

(Signed) J. SCOTT.

Law for incorporating the Commercial and Agricultural Bank of Natal.

WHEREAS, certain persons have established a Joint Stock Company for the purpose of trading as bankers and carrying on general banking and discounting business in the Colony of Natal, with a capital of £50,000, in 10,000 shares of £5 each; and the subscribers thereto have by certain articles of co-partnership, bearing date respectively the 21st day of November, 1859, and the 30th day of May, 1860, declared the purposes of the said Company, and made, entered into, and determined on certain regulations, stipulations, and agreements for the management of the affairs of the said Company, the appointment and election from time to time of directors, declaring their duties and powers, providing for the calling and declaring the powers of general and special meetings of shareholders, and containing such other clauses and provisions as are usual in the deeds of settlement of Public Companies of similar nature: Preamble.

And whereas, the entire number of shares into which the capital of said Company is divided has been subscribed for, and the sum of £48,602 of the subscribed capital of £50,000 has been paid up:

And whereas, the shareholders in the said Company have applied for a Law or Charter of Incorporation, conferring on said Company such powers and authorities as are hereinafter contained, to enable the directors thereof to carry into execution the objects and purposes for which it has been formed:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

*Commercial and Agricultural Bank of Natal.*List of pro-
prietors.

1. That Acutt, Robert; Acutt, W. H.; Adams, Geo.; Adam, Jno.; Anderson, Wm.; Anderson, W. G.; Anderson, Mrs. L.; Archbell, Jas.; Aldrich, E. T.; Beningfield, S.; Beningfield, S. F.; Boreland, A.; Brunton, Walter; Butcher, Samuel; Bowes, Thos.; Brunette, J. D.; Bell, Fras.; Brown, Jno.; Bromwich, Jno.; Bishop, Geo.; Blackburn, Jas.; Blore, W. S.; Bruce, J.; Buchanan, D.; Boyes, Wm.; Boyes, Walter; Billingsley, W.; Blaine, Benjamin; Buist, D. A. L.; Currie, H. W.; Crompton, Rev. J. L.; Cooper, Wm.; Challinor, E. J.; Crowder, S., Jun.; Cullingworth, J.; Cowey, Wm.; Cauvin, J. P.; Clapperton, H.; Collier, C.; Churchill, W. S.; Churchill, J. F.; Chapman, Wm.; Crowder, Benjamin; Cairncross, Chas.; Davis, Frederick; Dunning, Henry; Dacomb, Wm.; Duff, John; Dickens, W.; DuPlessis, B. P.; Dobie, R. P.; Duthie, Wm.; De Wall, P.; Dickinson, F. J.; Durand, L.; De Kock and Bresler; De Villiers, A. B.; Elliott, J. F.; Eaton, C. R.; Evans, A. W.; Eustace, T. J.; Fitzgerald, D.; Fisher, Wm.; Faure, E. V.; Fuller, Jas.; Faure, H. E.; Fehrzen, P.; Field, W. S.; Farmer, Wm.; Gillespie, Hugh; Gee, Stephen; Grainger, Wm.; Goodricke, J. R.; Graham, E.; Glendinning, Wm.; Gillespie, R.; Hartley, W., & Co.; Hartley, Isabella P.; Hull, D.; Hull, E.; Horning, W. P.; Hiscock, Jno.; Hunt, Jno.; Harrison, C. S.; Harrison, J.; Harvey, R. & J.; Hall, Henry; Hall, Thos.; Hansen, Hans; Hill, J. M.; Hoffmann, J. P.; Hawkins, Lieut.-Col. T. C.; Jones, T. E.; Johnson, Jas.; Jerraon, Samuel; Knox, Geo.; Knox, H. J.; King, Jno.; Lynar, Hugh; Leslie, David; Leslie, Mrs. Elizabeth; Leuchars, Wm.; Le Lueur, J.; Louw, A. J.; Lamb, R. G.; Landsberg, Ernst; Lugre, R. C.; Lawton, Mrs. J. L.; Meyer, W. W.; Mill, D.; Murray, F.; Mandy, S. D.; Murison, Jas.; Murison, Jas., Jun.; Murison, A.; Murison, Jas., Jun. (A.son); Murison, A., Jun.; Maynard, H.; Maitland, F.; Milner, T. C.; Middleton, W. H.; Mack, R. G.; McDonald, D.; McKnight, J.; Millar, Jno.; Macfarlane, Thos.; Marrillier, H. P.; Mason, Jos.; McArthur, A.; McPherson, W.; Maynard, Chas.; Moodie, G. P.; Middlebrook, J.; Myburg, Gerhard; More, G. M.; Nourse, Henry; Nussey, O.; Osmond, J. F.; Pulleyn, Jas.; Proudfoot, Jas.; Potgieter, J. F.; Paul, J. L.; Pithey, W.; Puzzey, W.; Prince, Geo.; Paull, Dr.; Porter, Wm.; Patterson, J. W.; Pinson, Henry; Pinson, Mrs. A. L.; Rolfe, J. F. M.; Robinson, Geo.; Reis, J. H.; Rennie, F.; Rozenzwing, A.; Rozenzwing, R. J.; Rooke, Jas.; Roesch, F.; Reynolds, Mrs.; Robinson & Vause; Raw, Jas.; Redolf, S.; Snell, Edward; Smith, Jas.; Stanton, Jas.; Strapp, Samuel; Symons, Alfred; Smeaton, Jane; Sparks, David; Slatter, Wm.; Smithers, J.; Searle, Henry; Steadman, W.; Steadman, D.; Schickerling, J. F.; Syfret, E. J. M.; Stuckeriss, J. M. B. A.; Suffert, Mrs. E. M. (trustees); Suffert, Ernest; Tunmer, Wm.; Taylor, W. G.; Thring, M. A.; Thomson, J. D.; Thomson, J. R.; Vincent, Jas.; Vanderlingen, G. W. A.; Van Staveren, E.; Van Breda, J. A.; Van Breda, H. C.; Van der Byl, P. G.; Van der Byl, M. J.; Van der Byl, A.; Van der Schyp, Mrs. A. C.; Wright, Wm.; Woodifield, Elizabeth P.; Woodifield, Matthew; Woodifield, A. H.; Wheelwright, H. P.; Wright, Jno.; Welch,

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Jno.; Watkins, Thos.; Wicht, J. C.; Wicht, E. J.; Walton, J. W.; Walker, H.; Wilkinson, W. J.; Wilkinson, G. H.; Watson, Harrison; Walton, J. C.; Wilkins, Thomas; Wirsing, G. H.; Young, Jas.; York, F.; and their successors, heirs, executors, administrators, and assigns, or such of them as shall from time to time become possessed of any shares, as hereinafter provided, and their successors, heirs, executors, administrators, and assigns shall be and they are hereby united into a Company, for the purpose of trading as bankers and carrying on general banking and discounting business in the Colony of Natal, according to the powers, rules, limitations, orders, and directions hereinafter set forth and expressed for that purpose; and shall be one body politic and corporate by the name of the Commercial and Agricultural Bank of Natal, and as such shall have perpetual succession; and by that name shall sue and be sued, and appear in all Courts of this Colony; and shall have and use a Common Seal, with the name of the Company thereon.

Company to be a body corporate.

How styled.

How to sue and be sued.

To have a common seal.

2. From and after the passing of this Law, the persons nominated to act as trustees of the Company shall cease to act as such, and the office shall cease, and the property held by them in trust for the Company shall be vested in the Company; and all contracts theretofore entered into with them by the shareholders individually or other persons may be enforced; and the unpaid calls on the shares held by such shareholders respectively shall be recoverable against them by action at law by the Company by its name of incorporation.

Trustees to cease to act.

Property to be vested in the Company.

3. The management of the affairs of the Company shall be and continue vested in a board of seven directors (four of whom shall form a quorum), who shall have the sole management of the capital fund, estate, property, affairs, and business concerns thereof.

Number of directors.

4. At the first meeting of directors, and at the first meeting of every successive board of directors, or at some special meeting in case of a vacancy in the office of chairman by death, resignation, or otherwise, they shall chose from amongst themselves a chairman, who shall preside at all their meetings at which he shall be present; and in his absence the senior director present shall preside; and in case of an equality of votes amongst the directors present at any of their meetings, the presiding member shall have the casting vote.

Chairman.

To preside at meetings.

5. Any shareholder possessed in his own right of twenty shares or more, or one of any two or more persons jointly possessed of shares, or any one partner of a firm which may be possessed of shares in sufficient number as to give an apportionment to each such individual partner a number of shares equal to twenty, shall be eligible to be elected a director; but no two or more persons carrying on business as co-partners in any firm shall be eligible for election or be elected in the same direction; and such director, before entering upon the duties of his office, shall sign a declaration of secrecy.

Qualification for office of director.

6. Any director who shall individually or whose firm shall become insolvent or compound with his or their creditors, or who shall be absent from the board, unless in case of illness or absence from the Colony, for four months at any one time; or shall transfer or mortgage or pledge his shares, or whose firm shall transfer or mortgage

How directors may become disqualified.

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or pledge their shares ; or cease to own in his own right twenty shares at least, or whose firm shall cease to hold a sufficient number of shares as if apportioned equally amongst the co-partners of his firm would give to each the amount of twenty shares as such qualification for a seat in the direction, shall be disqualified ; and he shall thereupon cease to hold office : and no such director who shall have ceased to be such by reason of insolvency or by compounding with his creditors shall be eligible for re-election, until he shall have obtained his re-habilitation or a release from his creditors, as the case may be.

Directors, in certain cases, may be removed, &c.

7. In case the continuance in office of any director shall, by reason of improper conduct therein, appear to at least twenty shareholders to be prejudicial to the interests of the Company, and they shall notify such their opinion, and the grounds thereof in writing to the directors, a meeting of the shareholders shall be called by the board for the purpose of determining whether such director shall continue in office, and a majority of proprietors present at such meeting may remove such director from office.

How the present directors are to retire.

8. The names of the present directors of the Company shall be included in a list, arranged according to the number of votes by which each was elected, and on the first ordinary general meeting for the ensuing year, the two directors having the lowest number of votes shall retire, and two directors be elected in their place, and such newly elected directors shall be placed at the top of the list, according to the number of their votes ; and every year two directors the lowest on the list, shall retire, and others be elected to fill their places, and be placed at the top of the list ; provided that every retiring director shall be eligible for re-election.

Eligible for re-election.

Directors having personal interest not to vote.

9. No director shall vote on, or take any part in, the discussion of any matter under the consideration of the board of directors in which he shall have a special personal interest.

Directors' responsibility.

10. Any director who shall resign, retire, become disqualified, or relinquish his office, or be removed from it as hereinbefore provided, shall, nevertheless, always remain responsible and liable for all acts of the board during the period he held office ; also, for any wilful mismanagement, or concealment of losses, during the time that he was a member thereof.

In what cases the directors are not liable.

11. The directors and other officers of the Company shall not be personally liable or answerable for any losses, cases, charges, damages, or expenses, which they, or any of them, may occasion or sustain in or about any matter or thing relating to the affairs of the Company ; provided the same shall not arise from their own culpable negligence or misconduct.

Election of auditors.

12. The Company shall, at the first ordinary general meeting after the passing of this Law, and in each succeeding year thereafter, elect two auditors, who shall hold office for one year ; but shall, nevertheless, be eligible for re-election, provided that every auditor so elected, being neither removed, nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead.

Election of new directors and auditors.

13. A general meeting of shareholders of the Company shall be held on the twenty-sixth day of January of every year, or upon the succeeding day, whenever the twenty-sixth day of January shall

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happen on a Sunday or a holiday, at which the offices of the directors and auditors shall be filled up, and the general business of the Company be transacted.

14. The directors may, whenever they may think proper, and they are hereby required, to convene a general meeting of proprietors, on receiving a requisition in writing signed by at least twenty shareholders, holding in the aggregate not less than 500 shares, and addressed to the chairman, expressing the object of the proposed meeting, and left at the Company's office of business in Durban. If upon receipt of such requisition the directors do not convene a general meeting within twenty-one days, the requisitionists may themselves convene such meeting.

Directors to convene a general meeting on requisition of twenty shareholders.

15. Twenty-one days' notice, at least, specifying the place at, and the time, and purpose, for which any general meeting is to be held, shall be given by advertisement three times inserted in the *Governments Gazette*, and in one or more of the local newspapers.

Notice of the purpose, place, and time of meeting to be published.

16. No business shall be transacted at any meeting of shareholders, except the declaration of a dividend, unless fifteen shareholders, holding in the aggregate 300 shares in the Company, shall assemble and proceed to business within one hour after the time appointed for the holding such meeting.

Nature of business to be transacted at meeting of shareholders.

17. If, within one hour from the time appointed for the meeting, the required number of shareholders are not present, the meeting, if convened upon the requisition of shareholders, shall be dissolved; in any other case it shall stand adjourned until the following day, at the same hour and place; and if, at such adjourned meeting, the required number of shareholders are not present, it shall be adjourned *sine die*.

Meeting can be dissolved.

18. The chairman, for the time being, of the board of directors, shall preside as chairman at all meetings of shareholders, unless the meeting shall decide to elect their own chairman.

Chairman of board of directors to preside.

19. The chairman of any meeting may, with the consent thereof, adjourn such meeting from time to time, and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

Meetings may be adjourned.

20. Any questions may be determined at any meeting of proprietors by show of hands, but any shareholder present may thereon demand that such question shall be determined by ballot; in which case such question shall be decided by a majority of votes of shareholders, present at such meeting, estimated in manner hereinafter provided by section twenty-one; and in case of an equality of votes, the chairman shall, in addition to his vote, be entitled to a casting vote.

Questions to be determined by show of hands. A ballot may be demanded.

21. On all matters submitted to the consideration of any meeting, each shareholder possessing from five to fourteen shares shall be entitled to one vote; from fifteen to twenty-four shares, two votes; from twenty-five to forty-nine shares, three votes; from fifty to ninety-nine shares, four votes; from one hundred to one hundred and forty-nine shares, five votes; from one hundred and fifty to one hundred and ninety-nine shares, six votes; and each proprietor possessed of two hundred shares and upwards, shall be entitled to

Proprietors entitled to vote in proportion to number of shares.

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seven votes, but no more ; and any holder of shares in his capacity as tutor, curator, or guardian of any minor or other person, shall be entitled to the same number of votes as the said minor or other person would have been entitled to if of full age, or otherwise competent to vote : Provided that no shareholder shall be entitled to vote until his name shall have been registered as a shareholder in the books of the Company, as hereinafter provided, for a full period of three calendar months : And provided also, that every shareholder, whether in his own or any other right, by proxy or otherwise, shall be entitled to twenty-two votes, and no more.

Votes by proxy.

22. Any shareholder resident elsewhere than in Durban, and absent from any meeting of shareholders, may appoint any shareholder to vote for him by proxy ; such proxy shall not require to be drawn up in any particular form, but may be by simple letter of instruction.

Appointment of officers.

23. The directors for the time being shall, from time to time, at such salaries as they shall think fit and reasonable, appoint and pay managers, cashiers, accountants, clerks, and such other officers as they shall deem necessary for transacting the affairs and business of the Company, and shall and may, when and as often as they may see cause, suspend or remove any or all of such officers, and appoint others in their place and stead, and such officers shall respectively, before entering upon their duties, execute a declaration of secrecy, and give security for the faithful discharge of their duties—the general manager and manager of the respective branches to the amount of £2,000 sterling, and the cashiers to the amount of £1,000 sterling, and other clerks to the amount of £500 sterling each.

Managing directors.

24. The directors of the Company shall appoint from amongst themselves two managing directors, to facilitate the management and daily conduct of the bank, whose duty it shall be to attend at the principal banking house of the Company at such times as may be considered convenient for the dispatch of business.

Salaried officers not permitted to engage in private business.

25. Every salaried officer of the Company shall confine himself exclusively to the business thereof, and shall not be allowed to engage in, or have any concern in, any kind of trade or business, or act as agent, or broker, or trustee of any insolvent estate.

Minute book.

26. The directors shall keep a minute book, in which shall be entered a record of all their meetings and transactions, which shall be duly confirmed and signed by the chairman presiding at the next succeeding meeting.

Business of the bank.

27. The general business of the bank shall be to lend money on bonds, bills of exchange, promissory notes, acceptances, or other commercial paper, open accounts, imperial or colonial government securities, and all other securities whatsoever appropriate to the general business of banking or discounting, also buying and selling bills of exchange, granting cash credits on surety bond or bonds, receiving deposits at such rates of interest as may, from time to time, be fixed by the directors, borrowing or taking up money on receipts, bills, promissory notes, or other obligations ; the bank shall also collect merchants' and traders' bills of exchange and promissory notes ; and shall and may invest in, purchase, sell, or otherwise deal

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in, bullion, or gold and silver coin, or colonial government securities, or the public funded debt of Great Britain, or in navy, commissariat, or exchequer bills, or the stock of any joint stock company, save only the shares of this Company, provided that the Company shall not advance money on security of lands or houses, or ships, or in pledge of merchandise, nor hold lands nor houses, except for the transaction of its business, nor own ships, nor be engaged in trade, except as dealers in bullion or bills of exchange, with endorsed bills of lading annexed to shipments of sugar, ivory, wool, or other produce of like permanent value, and provided the same be insured against risk by sea and fire, for security of such advances, but shall confine its transactions to discounting commercial paper, and negotiating securities, and other legitimate banking business: Provided, nevertheless, that the Company may accept lands, or houses, or ships, or shares in its capital, or stock, or other moveable or immoveable property, in liquidation of, or as a security for any debt *bond fide* due to the Company, or as a security for payment of any sum for which any person may have rendered himself liable to the Company, and hold them for such reasonable time only as may be necessary to dispose of and convert the same into money: And provided also, that the discounts and advances by the Company on any of the securities aforesaid, bearing the names of the directors thereof as obligors, drawers, acceptors, or endorsers, shall not, at any time, in the aggregate exceed one-third of the total discounts and advances by the Company.

28. It shall be lawful for the Company to purchase, take, hold, and enjoy to them and their successors, such houses, offices, buildings, landed and other immoveable property as shall or may be thought necessary or proper, for the purpose of managing, conducting, and carrying on the business and affairs of the said Company, but not for any other purpose, except as hereinbefore mentioned, nor so as to be in any manner made instrumental for the purposes of trade or speculation; and to sell, grant, demise, exchange, convey, and dispose of the same, or any of them respectively.

When Company may hold immoveable property.

29. It shall and may be lawful for the directors, from time to time, to cause to be issued promissory notes, signed by such officers of the bank as the directors shall, from time to time, appoint, payable in Durban in British sterling money or the legal currency of this Colony, of such value and to such amount, provided the same be not for any fractional part of a pound sterling, as they shall deem fit and expedient, not exceeding, however, at any time, a sum equal to one-third of the paid-up capital of the Company: Provided that a reserve of specie shall always be maintained, equal to one-third of the amount of notes at any time in circulation: And further, that the total amount of the debts and liabilities of the Company, whether upon bonds, bills, promissory notes, or otherwise, contracted over and above the amount of deposits on banking accounts with the Company's establishments, shall not exceed at any time, three times the amount of the capital stock subscribed and actually paid up.

Issue of promissory notes.

30. It shall and may be lawful for the Company, authorised by resolutions of a general meeting of shareholders, and with the

Capital may be increased.

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sanction of the Lords of Her Majesty's Treasury, to increase the capital of the Company to the sum of £100,000 sterling, payable in such instalments as shall be then determined on: Provided that such additional capital shall be subject, in every respect, from and after the date of the signification of such sanction, to conditions and regulations similar to those applying to the original capital; and such shares shall be first offered to the then shareholders in the Company at par, in the proportion of shares held by them respectively; and if such shares shall not be taken up as allotted, the directors shall and may, at their discretion, sell and dispose of such shares at a fixed price or by tender.

Additional
shares.

Return of assets
and liabilities to
be published
monthly.

31. The directors shall make up and publish monthly statements of the assets and liabilities of the bank, showing, under the heads specified in the undermentioned form, the average of the amount of its notes in circulation, and other liabilities, at the termination of each month during the period to which the statement refers, and the average amount of specie, or other assets, that were available to meet the same. Copies of these statements are to be submitted to the Colonial Government; and the directors shall be prepared, if called upon, to verify such statements, by the production of confidential documents, and the balance sheets from which the same are compiled; and also be prepared, upon requisitions from the Lords Commissioners of Her Majesty's Treasury, to furnish, in like manner, such further information respecting the state or proceedings of this Company, as their Lordships may see fit to call for; and further, the Governor shall be empowered to verify the statements of the Company, of the amount of specie held by them, which statement shall be in the form following:—

*Return of the Average Amount of Liabilities and Assets of the
Commercial and Agricultural Bank of Natal during the
Period from to*

£ s. d.	£ s. d.
Promissory Notes in circulation, not bearing interest...	Coin and bullion ...
Bills of Exchange in circulation, not bearing interest...	Landed or other property of the corporation ...
Bills and Notes in circulation, bearing interest ...	Government securities ...
Balance due to other banks	Promissory Notes or bills of other banks ...
Cash deposits, not bearing interest ...	Balances due from other banks ...
Cash deposits, bearing interest	Notes and bills discounted, or other debts due to the corporation, not included under the foregoing heads, and exclusive of debts abandoned as bad ...
To shareholders, for capital paid up ...	
To ditto, for additions declared to shares ...	
To ditto, for dividends remaining unpaid ...	
Total average liabilities	Total average assets ...

Company may
open branch
establishments.

32. The Company's business shall be carried on in Durban, and branch establishments may be opened in the city of Pietermaritzburg, and in any town, county, or district within the Colony; and

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the Company, for the management of the discounting business of such branches, may appoint two or more managing directors of each branch, to be elected annually in the same manner as is herein provided for the election of auditors: Provided that all such directors shall be under the control, and their business operations under the supervision of the Durban board of directors, or the general manager, when authorised thereto: And provided also, that no branch director shall have any discounts or loans of money from such branch establishments without first submitting all paper for discount, or securities on which loans may be sought, to the approval of the Durban board of directors: And such branch directors may be paid such sums out of the general funds of the Company as the board of directors shall from time to time think fit, as remuneration for their services: And such branch directors shall make a declaration of secrecy, and in all other respects be held subject and liable, as to qualification and removal from office, to the regulations and provisions hereinbefore contained, applying to the members of the board of directors; but such branch directors shall not, by virtue of their appointment, be deemed or taken to be directors of the Company, but only as local managers of such branch establishments.

Directors of
branch estab-
lishments.

Declaration of
secrecy.

33. Rules, orders, regulations, and bye-laws for carrying on the business and management of the Company, shall and may be made and repealed from time to time by the directors for the time being, and duly enforced, after having been made public by posting in the public office of the Company; provided, nevertheless, that the shareholders may, by a majority of votes, at any meeting, repeal any or all such, after notice shall have been given by any ten shareholders to the directors, by leaving the same, at the principal office of the Company, seven days before such meeting, of their intention to object to the same.

Rules, regula-
tions, and bye-
laws.

34. The amount of dividends to be paid to the shareholders of the Company, shall, from time to time, be determined by the directors thereof before the annual meeting, and declared at such meeting; and no dividend shall be declared or paid, except out of the net profits which have accrued during the preceding year; and in ascertaining such net profits, all or any losses or bad debts incurred in the ordinary course of business shall be carried, on the 31st day of December in each year, to the profit and loss account; and if any sums shall afterwards accrue from such loss or bad debts, by way of dividend or otherwise, it shall figure as so much profit made during the year in which it shall have been received, so that no bad or doubtful debts shall figure as assets of the bank in any returns made and published by the directors; and before any dividend shall be declared, a sum equal to one-fifth of such net profits shall be deducted from said net profits for the purpose of forming a reserve fund to the amount of £8,000 sterling, so long as the capital of the Company shall remain at £50,000 sterling: Provided that when said reserve fund shall amount to that sum, and so long as it shall continue at such sum, the annual net profits of every year shall be divided amongst the shareholders in proportion to their respective shares, and the amounts paid upon same, unless

Dividends.

Profit and loss.

Reserve fund.

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the majority of shareholders present at any annual general meeting shall otherwise determine: And when and as soon as the capital of the Company shall have been increased, as hereinbefore provided, to the sum of £100,000 sterling, the reserve fund, by a like process, shall in like manner be augmented; and when such reserve fund shall amount to, and as long as it shall remain at, the sum of £16,000 sterling, all the net profits of the Company shall, in like manner, be divided amongst the shareholders.

Reserve fund,
when to be
resorted to.

35. The sum set apart as a reserve fund of the Company shall be carried to an account in the books of the Company, and be resorted to only in case of any excessive or extraordinary loss, and on the expiration or sooner determination of the Company, shall belong to, and be divided amongst, the then shareholders thereof, in the same shares and proportions as they then shall or may be interested in the capital thereof.

Directors, when
jointly and severally
liable.

36. If the directors, for the time being, shall declare and pay any dividend when the Company is known by them to be insolvent, or any dividend, the payment of which would, to their knowledge, render it insolvent; or if the said directors shall, in case of the loss of the reserve fund, and one-third of the paid-up capital of the Company, fail to call a general meeting of the shareholders, as in the fiftieth section of this Law is made and provided, then, in either of such cases, the directors for the time being shall be jointly and severally liable to the Company for all the debts of the Company then existing, and for all that shall be thereafter contracted: Provided always, that if any of the directors should be absent at the time of declaring such dividend, or, being present, should object thereto, and to the payment thereof, and shall file such objection, in writing, with the manager of the Company, such act shall exempt such absent or objecting director from said liability.

Dividends, when
payable.

37. All dividends shall be payable at the banking house of the Company fourteen days after the annual general meeting of shareholders.

Sums due to the
Company may be
deducted from
dividends.

38. The directors may deduct from the dividends payable to any shareholders all such sum or sums of money as may be due from time to time to the Company, on account of calls.

Duty of auditors.

39. It shall be the duty of the auditors to inspect and audit the balance sheet and general accounts of the Company, and, if necessary, they may call for and inspect such documents, books, accounts, papers, and vouchers, as they may require for the purpose of such audit, and shall sign, certify, and vouch all accounts previous to their being laid by the directors before the general meeting of shareholders.

Appointment of
inspectors.

40. Upon the application of one-fifth in number and value of shareholders of the Company, and the appointment by them of two of their number as inspectors, competent to inspect and examine into the affairs of the Company, and to report thereon, the directors shall allow full inspection of the books, state, and condition of the affairs of the Company, and the past management thereof; and such inspectors shall examine the directors and officers of the Company, if need be; and as soon as they shall have prepared their report thereon, they shall require the directors forthwith to convene

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a general meeting of shareholders at which said report shall be read; and such meeting may direct such inspectors to be paid out of the funds of the Company some reasonable remuneration for their time, labour, and skill bestowed in and upon such investigation.

41. The directors of the Company for the time being may receive out of the clear profits of the Company such sum of money, not exceeding £400 sterling collectively, by way of remuneration for their trouble, as the majority of the shareholders shall by resolution at any annual general meeting determine; and such remuneration shall be divided amongst them in proportion to the number of days' attendance of each during the year; and the auditors shall be entitled to a sum of not less than £25 each.

Remuneration to directors and auditors.

42. At every ordinary general meeting the directors shall lay before such meeting, duly audited, a general statement of and report on the affairs of the Company; such statement to commence with the first day of January and end with the thirty-first day of December of the preceding year, both days inclusive.

Statement of affairs to be submitted at general meetings.

43. All the proceedings, votes, and resolutions of every meeting of shareholders shall be entered into a minute book, to be kept for that purpose; and the same shall be subscribed by the chairman, or director acting as chairman, presiding at such meeting.

Proceedings of meetings to be entered in a book.

44. No person shall in his own right possess or hold more than five hundred shares in the capital of the Company, except the excess shall have accrued to him by marriage, inheritance, or bequest.

Maximum number of shares to be held by one person.

45. On the first day of every month a correct list of shareholders in the Company for the time being, with the number of shares held by them respectively, and certified by one of the directors, shall be posted up in all the public offices of the Company during the then succeeding month; and a certified copy of such list shall be laid on the table previous to the proceedings of any general meeting of the shareholders.

Monthly list of shareholders.

46. Transfer of any share or shares may be effected by endorsement specifying the person or persons to whom such share or shares are transferred; but no such transfer shall be valid unless approved by the directors at any of their meetings, and such approval be certified thereon by at least two of the directors and countersigned by the manager; and such transfer shall be registered by the manager of the said Company, and until such registration the transferee shall have no part of the profits of the Company, nor any dividend on such shares paid to him nor any votes in respect thereof: provided, that the directors for the time being may decline to allow such registration of any transfer of shares made by a shareholder who may be indebted to the Company for any calls due thereon.

Transfer of shares, how effected.

47. The names and additions of all shareholders and the number of shares held by each shall be entered in a book to be kept for that purpose; and a certificate in the form following, signed by three of the directors and countersigned by the manager, shall be delivered to every shareholder; and when the calls on any shares shall have been fully paid up the fact shall be so stated on said certificate;

Names of shareholders and their number of shares to be entered in a book.

Commercial and Agricultural Bank of Natal.

" No.	CERTIFICATE OF SHARE IN THE	No.
" £5	COMMERCIAL AND AGRICULTURAL BANK	£5
" Stg.	OF NATAL.	Stg.

" We hereby certify that Mr. _____, of _____, is the Proprietor of the Share No. _____, amounting to Five Pounds sterling in the Capital Fund of the Commercial and Agricultural Bank of Natal, established under and by virtue of the Company's Deed of Settlement, dated the twenty-first day of November, 1859, and Charter of Incorporation dated _____; such Share being transferable only with the approval of the Board of Directors of the said Bank, Durban, Natal.

" }
 " } Directors.
 " }
 " Manager."

Joint proprietors
of shares entitled
to vote.

48. When two or more persons are jointly entitled to any share or shares, either shall be entitled to vote in respect of the same.

Last instalment
unpaid on 12th
August, 1861, to
bear interest at
the rate of
twelve per cent.
per annum.

49. The last instalment of £1 per share on entire capital of £50,000 became due and payable on the twelfth day of August, 1861; and the amount of any calls unpaid on any share or shares shall be a debt due from the owner of such share or shares to the Company, bearing interest at the rate of twelve per cent. per annum; and no holder of such share or shares who shall be sued for the recovery of such debt, or any other debt or liability due to the Company, shall plead in bar of such action that he is a co-partner with the plaintiffs.

Shares on which
any call or calls
may remain
unpaid after one
month from the
date of payment
may be forfeited.

50. If any shareholder shall fail or shall have failed to pay any call or calls, with the interest due thereon as aforesaid, for the space of one month after the same shall have become payable, the directors for the time being may, if they shall see fit, declare by resolution such share or shares forfeited, and the same and the instalments which may have been paid thereon shall thereupon be forfeited accordingly: and the said directors shall and may sell and dispose of such forfeited share or shares: provided, however, that the said directors, instead of declaring such forfeiture, may institute an action against any proprietor of such share or shares failing to pay such call or calls and interest as aforesaid for recovery thereof.

Period of dura-
tion of this Law.

Law may be
re-enacted.

51. The Company shall continue for and during the period of twenty-one years, to be computed from the twelfth day of February, 1860: provided, however, that at any annual general meeting of the Company, it shall and may be lawful for the said general meeting to take the necessary steps for the re-enactment of this Law for any period not exceeding fourteen years: and it shall be lawful in like manner to take steps for the further continuance of the bank from time to time for a period not exceeding fourteen years at any one such time: and provided, that if at any time the losses of the

Commercial and Agricultural Bank of Natal.

Company shall have exhausted all their surplus funds, and also one-fourth of the paid-up capital, then the directors shall forthwith call a special general meeting of the Company, and shall submit to such meeting a full and particular statement of the affairs and concerns of the Company; and thereupon the Company shall be dissolved: and further, that in case the directors for the time being should neglect or omit, wittingly or unwittingly, to call such special general meeting of proprietors, they shall be personally liable for any further losses and results arising therefrom.

Amount of losses on the occurrence of which the Company is to be dissolved.

52. In the event of the Company suspending specie payments at any of its banking establishments for the space of sixty days, either consecutively or at intervals, within any one year, or in the event of any other breach of the special conditions upon which the Company is empowered to open banking establishments or to issue and circulate promissory notes, the Company shall be forthwith wound up.

On suspension of specie payments for sixty days Company to be wound up.

53. In the event, pending the existence of said Company, of any judgment, decree, or order issuing against it, then such shall only be executable on the property of the Company and not on that of individual shareholders; and similarly so in the event hereinafter referred to of winding up said Company; as also that the individual liability of shareholders to the public shall never exceed double the amount of their subscribed shares; and in the event of the Company being wound up, the existing shareholders shall be liable to contribute to the use of the Company to an amount sufficient to pay the debts of the Company, and the costs, charges, and expenses of winding up the same; with this qualification—that no contribution shall be required from any shareholder exceeding double the amount of shares subscribed for by him (that is, for the amount subscribed for and for a further and additional amount equal thereto), provided that any judgment, decree, or order which may be obtained against the Company shall attach to the additional liability, as well as to the paid-up capital or other property of the Company.

Judgment of Court to be executable on property of Company.

How far shareholders are liable.

54. Whenever any act of the Company or of the directors thereof under the provisions of this Law, for the validity whereof certain previous notices or acts are hereby required to be given or done, shall be called in question in any Court of Law, such act of the Company or directors as aforesaid shall be presumed to have been done in pursuance of the requirements of this Law; and such previous notices and acts shall be presumed to have been given and done until the contrary shall be proved by the party alleging the non-compliance with the requirements of this Law.

Acts of the Company when called in question to be considered done in pursuance of this Law, unless proof is shown to the contrary.

55. The deeds of settlement bearing date respectively the twenty-first day of November, one thousand eight hundred and fifty-nine, and the thirtieth day of May, one thousand eight hundred and sixty, and hereinbefore recited, shall be and the same are hereby declared binding on all and every of the present shareholders, save and except in such matters as are or may be contrary to the provisions of this Law.

Deeds of settlement dated 21st November, 1859, and 30th May, 1860, to be binding.

56. This Law shall be taken to be a Public Law, and be noticed as such by all Courts of Law in this Colony.

This Law to be a public Law.

Laws Expired.

Commencement
of Law.

57. This Law shall commence and take effect from the date of the publication thereof in the *Government Gazette*.

Given at Government House, this 18th day of August, 1862.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 1, 1863.

Law to declare Thursday, the 18th day of June, 1863, a Public Holiday.

LAW No. 2, 1863.

Law for making further provision for the service of the year 1861.

LAW No. 3, 1863.

Law for making further provision for the service of the year 1862.

LAW No. 4, 1863.

Law for making further provision for the service of the year 1863.

LAW No. 5, 1863.

Law for applying a sum not exceeding £86,696 14s. 6d. for the service of the year 1864.

Electric Telegraph.

LAW No. 6, 1863.

Law for authorising the expenditure of a sum not exceeding £11,000 towards the Construction of the Works to improve the Harbour of Natal.

LAW No. 7, 1863.

(Signed) J. SCOTT.

Law to make Provision for Payment of a Sum of £200 sterling for the Conveyance of Official Messages per Electric Telegraph Line.

WHEREAS, an agreement has been entered into between the Colonial Government of Natal and Charlton James Wollaston, of and concerning the construction and maintenance by the said Charlton James Wollaston, or his assigns, of a line of Electric Telegraph between the City of Pietermaritzburg and the Borough of Durban, and the transmission of official messages by the Colonial Government: and whereas it is necessary to make provision for the payment of transmission of same:

Preamble.

Vide Law 11, 1863, § 18; and Law 5, 1874.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That there shall be payable from or out of the public revenue of Natal an annual sum of Two hundred pounds sterling to defray the expenses of transmitting official messages per electric telegraph to and from the City of Pietermaritzburg and the Borough of Durban and all intermediate stations.

Annual sum of £200 to be paid for official messages.

Vide Law 6, 1864.

2. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 24th day of July, 1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Conveyance of Mails.

LAW No. 8, 1863.

(Signed) J. SCOTT.

Law to enable the Lieutenant Governor of Natal to enter into Arrangements for the Conveyance of Her Majesty's Mails to and from the Cape of Good Hope and the Colony of Natal, and to make Provision for the Payment of the same from the Colonial Revenue.

Preamble.

WHEREAS it is expedient to make arrangements for the regular conveyance of Her Majesty's Mails by steamer to and from the Colony of the Cape of Good Hope and Natal, and to secure the payment of the expense incurred in said service :

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Lieutenant
Governor may
make arrange-
ments.

1. The Lieutenant Governor, by and with the advice of his Executive Council, may enter into any arrangements he may deem necessary, with private individuals, firms, or any co-partnership or public company, for the monthly conveyance, by steam vessels, of the Mails to and from the Colony of the Cape of Good Hope and this Colony.

Annual payment
not to exceed
£2,400.

2. It shall and may be lawful for the Lieutenant Governor, in any such arrangements, to undertake, on the part of this Colony, the payment of an annual sum for performing such service, not exceeding two thousand four hundred pounds.

Said sum to be
a charge on
revenue.

3. The said annual sum of two thousand four hundred pounds, or such portion thereof as may be required for the performance of such service, is hereby declared to be a charge upon the public revenue of this Colony.

Commencement
of Law.

4. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 24th day of July,
1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 9, 1863.

Law to amend Post Office Ordinance No. 4, 1851.

Repealed by Law No. 11, 1867, § 1.

Mortgages on Leases.

LAW No. 10, 1863.

(Signed) J. SCOTT.

Law to declare the Law in regard to Leases, and Mortgage Bonds on Leases.

WHEREAS doubts have arisen as to the legal effect of mortgages upon leasehold property in this Colony; and whereas it is expedient to remove such doubts, and declare the law upon mortgages held upon leasehold property:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall be lawful for the holder of any lease or sub-lease, duly executed, to mortgage specially such lease or sub-lease, by any bond, duly executed before the Registrar of Deeds, provided that no such lease or sub-lease shall be capable of being so mortgaged unless such lease or sub-lease shall be enregistered in the books of the office of the Registrar of Deeds: Provided always, that when, by the terms of the lease or sub-lease, it shall be stipulated between the lessor or sub-lessor and the lessee or sub-lessee, that the property, the subject of such lease or sub-lease, shall not be mortgaged or sub-let by the lessee or sub-lessee, then the same shall not be so specially mortgaged, without the consent in writing of such lessor or sub-lessor.

Holders of leasehold property may mortgage same in certain cases.

2. The Registrar of Deeds shall, on the execution of any such mortgage bond, at the instance of the mortgagee, cause the same to be duly registered in the public debt register, and endorsed upon the lease or sub-lease, in the like manner as any other special mortgage of landed or immoveable property.

Mortgage to be registered in public debt register, and endorsed on lease.

3. Every mortgage duly executed and registered as aforesaid shall, in law, constitute a legal lien or pledge of such lease or sub-lease in favour of the legal holder of any such bond, and it shall not be needed that such lease itself shall be ceded or assigned to such mortgagee or the legal holder of any such bond.

Mortgage of lease to constitute a legal lien or pledge.

4. In every case in which any lease or sub-lease shall be duly mortgaged to different persons for several debts, then such mortgagees shall, as amongst themselves, rank as mortgagees according to the legal order of preference now existing as to several special mortgagees in the case of the mortgage of immoveable property.

Rank and preference of mortgagees, in case of more than one.

5. No lease or sub-lease so specially mortgaged as aforesaid shall be ceded or assigned to any other person, by the holder thereof, without the consent of the mortgagees, nor shall any part of the land contained in such lease be let or sub-let by the holder of such lease without the like consent: Any such cession or assignment as aforesaid, without the consent of the said mortgagees, shall be absolutely null and void.

Lease when mortgaged not to be ceded or assigned or sublet without consent of mortgagees.

6. It shall not be lawful for the holder of any lease or sub-lease to cancel or to give up any lease or sub-lease to the owner of the land, or any sub-lessor thereof, without the consent of the mortgagees in respect of such lease or sub-lease.

Lease not to be cancelled without consent of mortgagees.

Mortgages on Leases.

Leases ceded, assigned, or cancelled without consent of mortgagees to continue subject to existing mortgages.

7. Any lease or sub-lease, or any part or portion thereof, which shall be ceded or assigned to any other person without the consent of the mortgagees as aforesaid, shall continue subject to such mortgages as legally existed upon it at the time of succession or assignment; and any lease or sub-lease, or any part thereof, which shall be ceded or assigned, or which shall be cancelled or given up to the owner of the land or any sub-lessor thereof, without such consent of the mortgagees, shall, notwithstanding such cession or assignment, continue subject to such mortgages as legally existed thereon at the time of such cession, assignment, cancellation, or relinquishing as aforesaid.

Rights of special mortgage preserved.

8. Nothing in this Law contained shall affect any right or privilege by law possessed by any person having any special mortgage on, or in respect of, any property so specially mortgaged, at the term of any lease or sub-lease; and, in case of insolvency, or in case of any such mortgage being declared executable, the property so leased or sub-leased shall be sold for the benefit of the special mortgagees, free and absolved from any such lease or sub-lease, in every case in which such special mortgagees shall not have consented to such lease or sub-lease; and it shall not be competent to the proprietor of any land or immoveable property specially mortgaged, to lease the same, or any part or portion thereof, without the consent of the persons holding such special mortgage.

Property specially mortgaged not to be leased without consent of mortgagee.

Property mortgaged by owner after lease, shall, if sold by owner, be sold subject to such lease.

9. In every case in which immoveable property shall be specially mortgaged by the owner after the execution of any lease, then such property, if sold by the owner, or if sold for the benefit of such mortgagee, or his creditors, shall be so sold subject to such lease, and the stipulations thereof.

Rights of landlord not to be interfered with.

10. Nothing in this Law contained shall affect or in any way impair or interfere with any legal right belonging to any landlord in respect of the rent due on any property leased or sub-leased, or to lessen any lien or preference such landlord may possess in regard to any such rent.

Lease or mortgage thereof executed before Law 10, 1863, may be registered.

Vide Law 7, 1864, § 1.

11. [That any lease or sub-lease executed before the taking effect of the said Law No. 10, 1863, or any mortgage on or of the same or any part thereof respectively, may be registered under the said Law equally as if such lease or sub-lease had been executed after the commencement in effect of the said Law: Provided always that, irrespectively of registration and its effects nothing herein, or in the said Law No. 10, 1863, contained, shall be deemed to give or take away any validity to or from any lease or sub-lease or mortgage on or of the same or any part thereof respectively, such lease, sub-lease, or mortgage having been executed respectively before the taking effect of the said Law No. 10, 1863.]

Rights of landlord or sub-lessor as regards payment and recovery of rent.

12. The landlord or any sub-lessor shall have the same rights, privileges, and advantages, as regards the payment and recovery of any rent due upon any property leased, against every cessionary of any lease or sub-lease as he may have against the original lessee in respect of any property belonging to such original lessee found on the land so leased or sub-leased, and of suing for the same upon the covenant stipulating for the payment of rent.

Mortgages on Leases.—Cartridges, Caps, &c.

13. There shall be payable to the Registrar of Deeds on the rent of any lease or sub-lease registered two per cent. on the rent stipulated in the lease or sub-lease, calculated for one-third of the whole period the lease or sub-lease is to endure, and the same fees now payable to the Registrar of Deeds in respect of passing of mortgage bonds affecting immoveable property shall be payable for bonds passed or enregistered under this Law.

Fees payable to Registrar of Deeds.

Vide Law 7, 1864, §§ 2, 3, 4.

14. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 28th day of July, 1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 12, 1863.

(Signed) J. SCOTT.

Law to allow the Importation of Cartridges and Percussion Caps in certain cases.

WHEREAS the Laws now in force in this Colony regulating the dealing in gunpowder, prevent the importation of gunpowder except by the Lieutenant Governor, and only permit certain persons appointed by the Governor to sell the same: And whereas it is expedient to allow, in certain cases and under certain restrictions, certain persons to import cartridges containing gunpowder, and percussion caps, for their own use; and licensed dealers in guns to import similar cartridges and percussion caps, and to dispose of them to buyers:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. From and after the commencement of this Law, it shall be lawful for any person resident in this Colony to import into this Colony any cartridges requisite for any gun registered in his name, and containing either gunpowder and ball, or gunpowder and shot: Provided, that the quantity of gunpowder contained in said cartridges, imported by any one person, shall not exceed ten pounds in weight in any twelve months, and that no such importer shall sell any such cartridges, nor the gunpowder therein contained, without the permission of the Lieutenant Governor first had and obtained.

Persons having guns registered in their name may import a certain number of cartridges for the same.

Vide Law 6, 1876, § 8.

2. Any person, duly licensed to sell and trade in firearms under the Law now in force, may import cartridges containing gunpowder for any breech-loader for which they may have obtained a license of importation, and when they sell any breech-loader to any person duly

Licensed dealer in firearms may import cartridges for breech-loaders, and may sell the same

Cartridges, Caps, &c.

under certain
restrictions.

approved of by any Resident Magistrate, may sell to such registered owner of such breech-loader all or any cartridges so imported as aforesaid, and appertaining to the same: Provided, that no such dealer should import more than one thousand cartridges for such breech-loader; and any person entitled, under this or the preceding section, to import cartridges, may, together therewith, import any number of percussion caps required for said cartridges.

Provisions of
Law No. 12, 1862,
not affected or
interfered with.

3. Nothing herein contained shall affect, abrogate, repeal, or interfere with the provisions of Law No. 12, 1862, entitled, "Law to amend the Law regulating the dealing in gunpowder," save and except in the power of importation and selling, as is by this Law provided.

Commencement
of Law.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 28th day of July,
1863.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 13, 1863.

Law for levying certain Duties of Customs within the Colony of Natal.

Repealed by Law No. 1, 1867, § 1.

LAW No. 14, 1863.

Law to amend Law No. 12, 1862, entitled, Law "To amend the Law Regulating the Dealing in Gunpowder."

Expired.

LAW No. 15, 1863.

Law for making further provision for the service of the year 1864.

LAW No. 16, 1863.

Law for increasing the salaries of the Chief Justice and Puisne Judges of the Supreme Court.

Repealed by Law No. 11, 1876, § 1.

Public Wharves, &c.

LAW No. 17, 1863.

(Signed) J. SCOTT.

Law for the Regulation and Management of Public Wharves, and other Landing Places.

WHEREAS it is expedient to prevent obstructions to the public business, and preserve good order on the public wharves and landing places within the Colony of Natal: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. The management of every public wharf and landing place shall be under the direction of an officer who shall be denominated the Wharfmaster of such wharf or wharves, and who shall be appointed by the Lieutenant Governor.

Management of wharf to be under direction of wharfmaster to be appointed by Lieutenant Governor.

2. The duty of the Wharfmaster shall be to keep the wharf frontages clear for the use of boats and lighters, and to prevent improper use being made of public wharves and landing places, and to cause all persons making use thereof for the landing and shipping of goods, speedily to remove such goods therefrom and from the approaches thereto, so as to prevent the said wharves and landing places being encumbered thereby, or otherwise so obstructed that the public business cannot be proceeded with.

Duties of wharfmaster.

3. If any person or persons, depositing goods on public wharves and landing places, or the approaches thereto, shall not forthwith remove such goods when directed so to do by the Wharfmaster, or within such reasonable period, at the discretion of such Wharfmaster, as shall be notified to the person or persons depositing the goods, then the person or persons so offending shall be liable, on conviction, to a penalty not exceeding ten pounds for every such offence.

Penalty for not removing goods when directed by wharfmaster to be removed.

4. If any person or persons shall refuse or neglect to remove goods, or other obstructions, according to the requirement of the Wharfmaster, as aforesaid, then the Wharfmaster shall be empowered to remove such goods or other obstructions, and the person or persons so refusing or neglecting shall, in addition to any penalty which may be imposed under the last preceding section, pay such expenses of removal as shall be adjudged by the Court in which the said penalty shall be sued for.

Wharfmaster empowered to remove goods at expense of person refusing to do so.

5. The Wharfmaster shall have the right to prevent wagons and other vehicles from unnecessarily obstructing the approaches to public wharves and landing places, and all drivers of such wagons and other vehicles shall place them in such position as shall be pointed out by the Wharfmaster as proper and convenient: Any such driver neglecting or refusing to comply with the directions of the Wharfmaster as aforesaid, shall be liable to a penalty not exceeding five pounds.

Wharfmaster shall have right to prevent wagons from obstructing approaches;

6. The Wharfmaster shall have the right to regulate the position of boats and lighters waiting to be discharged, and to cause to be removed all boats and lighters occupying the wharf or

To regulate the position of boats; and

Public Wharves, &c.

To prevent ropes, &c., being fastened to the piles.

Penalty for not obeying orders of wharfmaster.

Wharfmaster to have charge of cranes, and to make regulations for their use.

Wharfmaster may sue in Magistrate's Court for penalty.

Liability of employer and servant.

Compensation for injury to public wharf, or buildings thereon.

Commencement of Law.

landing place frontages for an unreasonable period, or in any way impeding other boats and lighters in their lawful right of use of said frontages. The Wharfmaster shall also have the right to prevent ropes and mooring-lines being made fast to the piles, sills, and waling-pieces attached to public wharves, and to prevent an improper use being made of the mooring rings which are placed on the said wharves for the accommodation of boats and lighters. Any person refusing or neglecting to obey the lawful order of the Wharfmaster in regard to the subject matter of this section, shall be liable to a penalty not exceeding five pounds, which shall be payable, in addition to the expenses incurred, in repairing any injury occasioned by such refusal or neglect.

7. The Wharfmaster shall have the charge and control of the crane or cranes placed on the public wharf or wharves under his care, for the convenience of boats and lighters, and shall be empowered to make such regulations as to the right of use thereof and of the handles thereunto belonging, as may be requisite for the dispatch of the wharf business. Any injuries to the said crane or cranes shall be repaired, to the satisfaction of the Colonial Engineer or his deputy, at the cost of the person or persons occasioning the same; and in case any person or persons refuse to pay the expenses of such repairs, the Wharfmaster may sue for and recover the same.

8. The Wharfmaster of every public wharf in the Colony of Natal shall and may sue and prosecute in the Court of the Resident Magistrate of the County or Division in which such wharf may be situate, for any penalty imposed under this Law; and in case of non-payment of any penalty imposed by such Court under this Law, the person offending may be imprisoned for any period not exceeding one month.

9. If any servants obeying the orders of his employer, shall, when acting under such orders, infringe any of the provisions of this Law, then such employer and the servant may both, or either of them, be prosecuted for the penalty incurred by such omission or commission.

10. If any person shall do, or cause to be done, any damage or injury to any public wharf, or any part thereof, or any building or other erection thereon, the Resident Magistrate of the County or Division in which such damage or injury shall have been done, shall, upon the complaint of the Wharfmaster, examine the matter of complaint, and cause to be paid any sum not exceeding fifty pounds by way of compensation for such damage: Provided, however, that nothing herein contained shall prevent the said Wharfmaster from suing in the Supreme Court, or Circuit Courts, when the amount of damage or injury may have exceeded fifty pounds.

11. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 30th day of July, 1862.

By command of His Excellency the Lieutenant Governor,
(Signed)

D. ERSKINE,
Colonial Secretary.

Intoxicating Liquors to Natives.

LAW No. 18, 1863.

(Signed) J. SCOTT.

Law to amend Ordinance No. 4, 1856, entitled, " Ordinance to Prohibit the Sale and Disposal of Spirits, and other Intoxicating Liquors, to Persons of the Native Race."

WHEREAS in order to prevent the sale of intoxicating liquors to, and their consumption by, the native inhabitants in Natal, it is expedient to alter and amend the Ordinance No. 4, 1856 :

Preamble.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. Ordinance No. 4, 1856, entitled, " Ordinance to prohibit the sale and disposal of spirits, and other intoxicating liquors, to persons of the native race," shall be, and the same is, hereby repealed.

Repeal of Ordinance No. 4, 1856.

2. On and after the coming in force of this Law, no person shall, within this Colony, sell, barter, or otherwise supply, to any native, any brandy, gin, rum, or any other spirituous liquors, nor any wine, nor any ale, beer, porter, nor any other fermented liquor of an intoxicating nature, nor any mixed liquor containing any intoxicating, spirituous, or fermented liquors.

Wines, spirituous liquors, beer, or other intoxicating liquors not to be sold to natives.

3. Any person who shall sell, barter, or supply any such spirituous liquors, wine, or fermented liquor in contravention of the provisions of the next preceding section, shall, for each and every such offence, forfeit and pay any sum not exceeding ten pounds, or, in default of payment, be imprisoned, with or without hard labour, for any period not exceeding three months : Provided always, that no such penalty shall be recoverable for supplying any such spirituous liquor, wine, or fermented liquor to any native, in case it shall be satisfactorily proved that any such liquor so supplied was administered medicinally.

Penalty.

Spirituous or other liquors may be supplied medicinally.

4. Every offence committed under this Law shall be prosecuted in the court of the Resident Magistrate in whose county or division the offence was committed, at the instance of the Clerk of the Peace of any such county or division, or of any person duly deputed by him to prosecute for any such offence ; and all fines levied under this Law shall be paid to Her Majesty, her heirs and successors, and, unless remitted, shall be applied to the use of the Government : Provided always, that in case any such offence be committed within the limits of any borough duly incorporated under the provisions of any Law, it shall and may be competent for the Town Clerk of any such borough to prosecute such offence in the court of the Resident Magistrate of such borough, and when the offence shall be so prosecuted by the Town Clerk, and not by the Clerk of the Peace, or his deputy, any fine inflicted for any such offence committed within the limits of the borough shall be paid over to the corporate funds of the said borough.

Court in which offences are to be tried.

Appropriation of fine.

Town Clerk may prosecute in certain cases.

Appropriation of fine.

Intoxicating Liquors to Natives.

Court may
award portion of
fine to informer.

5. It shall and may be competent for any Court before which any offence under this Law shall be prosecuted, to direct any portion, not exceeding one-half of any fine imposed by any such Court, to be paid or awarded to any person or persons who may have given such information as shall have led to the conviction of the offender.

Resident Magistrate may suspend license.

6. The Resident Magistrate, before whom any offence under this Law shall be prosecuted, may, and he is hereby empowered, in case the offender is a licensed dealer, to suspend or cancel the license of any such offender.

Definition of
word "Native."

7. The word native in this Law shall mean any person belonging to, or being a descendant of, any of the native tribes of South Africa, commonly called Kafirs.

Commencement
of Law.

8. This Law shall commence and take effect from and after such date as the Lieutenant Governor, by proclamation in the *Government Gazette*, shall make known Her Majesty's assent to the said Law.

Given at Government House, this 30th day of July,
1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 19, 1863.

Law for the better collection of Quitrents and other Land Rents.

Repealed by Law No. 16, 1876, § 1.

LAW No. 20, 1863.

Law to regulate the Payments to be made by the Masters or Employers of Coolie Immigrants.

Repealed by Law No. 2, 1870, § 1.

Conversion of Quitrent Tenures.

LAW No. 21, 1863.

(Signed) J. SCOTT.

Law for the Conversion of certain Quitrent Tenures into Freehold Tenures of Lands granted under Proclamations of 11th March and 7th July, 1856.

WHEREAS, some farms in Natal are held under quitrent tenure, but subject to certain conditions imposed by certain proclamations, dated respectively the 11th March and 7th day of July, One thousand eight hundred and fifty-six; and whereas the said conditions are onerous, and, in most instances, impossible to be performed, and the owners of said farms are desirous of releasing themselves from said conditions, and of converting said farms into freehold; and whereas it is expedient to relieve said owners from said conditions, and to convert the said quitrent tenure into tenure in freehold:

Be it enacted, by the Lieutenant Governor of the Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. Any owner of land in Natal, held under quitrent tenure, and subject to the conditions contained in the Proclamations, dated respectively the 11th of March and 7th of July, 1856, may make an application, in writing, to the Surveyor General, setting forth the name and description of property, the date of deed of grant under which same is held, and requesting that the said quitrent tenure may be converted into freehold tenure.

Preamble.

Application may be made to Surveyor General for conversion of certain quitrent tenures into freehold.

2. The Surveyor General, upon payment to him of a sum equal to twenty years' purchase of the quitrent reserved in any such deed of grant, and also upon payment of all such quitrent as may be due up to the date upon which such purchase-money shall be paid, and upon the production of a certificate by the Registrar of Deeds of payment of all mortgages registered against said grant, shall issue a new deed of grant, in freehold tenure, and shall attach thereto the diagram attached to the former deed, or if the old diagram be obliterated, or torn, or destroyed, or lost, then a certified copy of such diagram: Provided always, there shall be no conversion except of the original grant.

Upon payment of arrear quitrents and twenty years' purchase of reserved quitrent, Surveyor General may issue new deed of grant in freehold.

3. In all cases where transfer has been made of all the premises contained in any original title deed, or of any portion thereof, it shall and may be lawful for any such registered transferee thereof to make application for converting the original grant, from quitrent into freehold tenure, to the Surveyor General, who, upon payment being made to him of a sum equal to twenty years' purchase of the quitrent reserved in said deed of grant, and also upon payment of all such quitrent as may be due up to the date upon which such purchase-money shall be paid, may, on any such original deed of grant, or on the duplicate original deposited in the Surveyor General's Office, inscribe a memorandum, in the form in the schedule to this Law annexed, and such memorandum shall convert such original deed of grant from quitrent tenure into freehold tenure.

When property has been transferred, conversion to freehold to be made by memorandum, as in schedule.

Conversion of Quitrent Tenures.

Conversion not to affect rights of lessee or transferee.

4. No conversion made under this Law shall prejudice or affect the rights or interests of any lessee or transferee in or over the quitrent property converted into freehold, or any other right or interest or license which any person may have or enjoy in or over the same.

Conversions under this Law to be deemed as a conveyance of the land.

5. Every conversion made under this Law shall be deemed to operate as a conveyance of the lands specified therein, and every condition and regulation in the original deed, save and except the conditions retained in the new deed, shall cease and be of no effect: Provided always, that all the conditions contained in the new deed, or in the memorandum inscribed in original deed, shall be valid and subsisting, and shall in no manner be affected impaired, or altered by any such conversion.

Rent to be paid up to date of conversion.

6. The rent and additional or further rent payable previous to conversion under this Law shall include all rent due up to the period fixed for payment in said deed, and for any broken period that may intervene between said date and the day of such conversion.

Commencement of Law.

7. This Law shall commence and take effect from and after the promulgation thereof.

SCHEDULE.

Under and by virtue of Law No. 21, 1863, entitled, "Law for the Conversion of certain Quitrent Tenures into Freehold Tenures of Lands granted under Proclamations dated respectively the 11th March and 7th July, 1856," I, Surveyor General of Natal, do hereby convert into freehold tenure the lands in this deed contained and specified; and the condition that all authorised roads, watercourses, and thoroughfares now made or running over or through the said land shall remain free and uninterrupted as in their present or past use; and that the said land shall be liable, without compensation to any proprietor or to any sub-grantee or lessee thereof, to have any road or roads and watercourses made over any part of it for the public use and benefit by order of the Colonial Government, except those parts in which any building may actually be thereon erected at the time when any such road or watercourse is required to be made; and in respect of which building, if required to be removed for any such purpose, reasonable compensation shall be made by the Government; and subject also to the general right of all travellers to outspan upon the land in suitable situations for not more than twenty-four hours, unless longer detained by just cause; and to such other regulations relative to outspan as may be hereafter deemed necessary, and declared by

Conversion of Quitrent Tenures.—Community of Goods.

the Government for the interests of the public, is hereby retained and subsisting to all intents and purposes as if that deed had never been converted.

(Seal.)

Surveyor General.

Given at Government House, this 3rd day of August, 1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 22, 1863.

(Signed) J. SCOTT.

Law to prevent Community of Goods attaching to certain Marriages, and to enable the Spouses of such Marriages to Devise their Properties.

WHEREAS it is expedient to exempt certain spouses from the laws in force in Natal relating to community of goods, and relating to testamentary disposition of property, and to make provision for wives in cases of death, and intestacy of the husbands, and to enable persons married in South Africa to avail themselves of the provisions thereof:

Preamble.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. Nothing in this Law contained, save where otherwise expressly provided, shall operate in contravention of any provision of any instrument in writing, wherever executed, so far as the same would, if this Law had not been passed, have been effectual to regulate or control the ownership of, or right to, or interest in, any property.

Law not to affect any written instrument regulating the right or interest in any property.

2. Community of goods, or any of the liabilities or privileges resulting therefrom, shall not attach to, or exist between, or be deemed to have attached to, or existed between, any spouses who have been or shall be married elsewhere than in South Africa, unless such spouses shall, by an instrument in writing, signed by each of them in the presence of two persons, who shall subscribe thereto as witnesses, express their wish to be exempt from the provisions of this Law, and such instrument shall be registered with the Registrar of Deeds within six months after execution thereof, the person requiring such registry, paying therefor and thereupon the fee of one pound sterling.

Community of goods not to exist between parties married out of South Africa.

Such spouses, by written instrument, may exempt themselves from this Law.

Instrument to be registered.

Fee for registration.

Community of Goods.

Certain impediments against power of devising property removed.

Legitimate portion.
Trebellian or Falcidian portion.
Lex hæc edictali.

Vide Law 17, 1871, § 1.

Every person married elsewhere than in South Africa and resident in Natal may, by will or codicil, devise all his or her property.

Husband dying intestate and leaving no issue, wife surviving entitled to one-half his property.

Leaving lawful issue, wife entitled to one-third.

Property acquired during marriage of spouses coming under provisions of this Law to belong to husband.

Property acquired by wife during desertion by husband or a *separatio bonorum* to belong to wife.

3. None of the restrictions upon or against devising property hereinafter specified, shall affect any person's power of disposing, by will or codicil, of his or her property, whether such person has been or shall be married out of South Africa, or shall not have been married: That is to say, the law of legitimate portion, including therein the Trebellian or Falcidian portion, the law in respect of second and other subsequent marriages known as the *lex hæc edictali*, or any other Law of similar nature, or any omission to name an heir: Provided always, that the foregoing provisions of this section shall only apply to the wills or codicils of persons who shall be alive when this Law shall come into operation [or who shall be born after the commencement of this Law].

4. Every married person domiciled in the Colony of Natal, and whose marriage has been celebrated in some place not in South Africa, may devise, bequeath, or dispose of, by his or her will or codicil, all property, moveable or immoveable, situate or being in the Colony of Natal, which he or she shall, or may be, entitled to at the time of his or her death; and which, if not devised, would have devolved on his or her heirs, or would be administered as his or her estate.

5. When the husband of any such marriage, from which community of goods is excluded by the provisions of this Law, shall die intestate, and leave his wife him surviving, then, in any such case, the wife so surviving her husband shall be entitled to receive and have one-half of the property, moveable and immoveable, belonging to her deceased husband; but in case there shall be lawful issue of her husband, him surviving, then, in any such case, the wife so surviving shall be entitled to receive and have one-third of the property, moveable and immoveable, belonging to her deceased husband.

6. Property heretofore or hereafter acquired by the labour, care, skill, or diligence, and ordinarily known as earnings of the spouses, or either of them, during the continuance of the marriage, shall, if such spouses come under the provisions of this Law, be deemed to be the property of the husband, subject to any liability in respect of debts which would have existed if this Law had not been passed: Provided always, that this section shall not apply to any such earnings as shall be acquired during the continuance of a *separatio bonorum*, or of any malicious desertion of the wife by the husband, but any such earnings acquired as aforesaid by the wife shall belong to, and be the property of, the wife, unaffected by any rights of the husband or his creditors: Provided, also, that nothing herein contained shall affect the liability of the husband to maintain his wife: Provided, also, that any such spouses may at any time, by an instrument in writing, signed by each such spouse in the presence of two persons, who shall subscribe thereto as witnesses, make any other arrangement than that by this section provided, in respect of such earnings, or any part thereof; and so, from time to time, may, in like manner, vary any such arrangements, not however being enabled by any such arrangements to exempt from liability to debts any property which otherwise would have been liable thereto.

Community of Goods.—Colonial Beer Licenses.

7. This Law shall extend to any marriage already had, or to be had, before or after the passing of this Law in Natal, or elsewhere in South Africa, if the spouses of such marriage shall, by an instrument in writing, signed by each of them in the presence of two persons, who shall subscribe their names as witnesses thereto, express and signify their wish, desire, or intention, to be brought within the provisions of this Law; and such instrument in writing shall be capable of being registered by the Registrar of Deeds, and upon every such registration there shall be paid by the person requiring the same to be registered, a fee of one pound sterling, and no more; and such instrument shall not be binding if not registered in the Registrar of Deeds' office within six months after execution: Provided, always, that the previous execution of any deed, or other instrument, under the Law No. 1, 1856, shall not affect the power hereby expressed to be given.

Law to apply to past and future marriages in South Africa, if spouses, by written instrument, so signify their intention.

Instrument to be registered within six months.
Fee for registration.

Vide Law 1, 1856.

Definition of words, "South Africa."

8. The words "South Africa" shall be taken to mean and include any place or territory in South Africa, being to the southward of the twenty-fifth degree of south latitude.

Law not to apply to marriages which have been dissolved.

9. This Law shall not apply to any marriage which shall have been dissolved by death or otherwise, before the Law shall be in operation.

Commencement of Law.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 3rd day of August, 1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 23, 1863.

(Signed) J. SCOTT.

Law to amend the Ordinance No. 9, 1847, entitled, "Ordinance for regulating the Sale of Wines, Spirituous and Fermented Liquors within the District of Natal."

WHEREAS, it is expedient to amend Ordinance No. 9, 1847, entitled, "Ordinance for regulating the Sale of Wines, Spirituous and Fermented Liquors, within the District of Natal:"

Preamble.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That wheresoever the words "malt liquors" are used or occur in said Ordinance No. 9, 1847, the words malt liquors shall include ale, beer, and porter, and every similar fermented liquor of an intoxicating nature, although no malt may have been used in the manufacture or brewing of any such ale, beer, or porter, or other fermented liquor as aforesaid.

Interpretation of words, "Malt liquors," in Ordinance No. 9, 1847.

Colonial Beer Licenses.

Repeal of Clause
30, Ordinance No.
9, 1847.

Wholesale
licenses to sell
beer, &c., brewed
within the
Colony.

Retail license.

In corporate
towns Council to
grant licenses.

Appeal to
Supreme Court.

Mode of applica-
tion for license.

Commencement
of Law.

2. The clause No. 30 of Ordinance No. 9, 1847, shall be and the same is hereby repealed.

3. It shall and may be lawful for any person to sell any ale, beer, porter, and other fermented liquors brewed within the Colony, as in the first section of this Law set forth, in quantities not less than two gallons, on taking out a license for that purpose of the value of Fifteen pounds sterling.

4. It shall and may be lawful for any person to sell by retail ale, beer, porter, or other fermented liquor, as in the first section of this Law set forth, when the same shall have been brewed in this Colony, on taking out a retail license of the value of Seven pounds when the same shall be sold within the limits of any municipal borough, and of Two pounds ten shillings when the same shall be sold without the limits of any municipal borough, in the form in the schedule to this Law annexed; which said license may be granted by the Resident Magistrate of the county or division in which the place or premises where the calling or business to be authorised by such license is intended to be carried on: Provided always, that whenever any such license is applied for for premises situated or being within the limits of any borough incorporated under the provisions of any Law, the granting of any such said license shall be vested in the Council of any such borough, and shall not be granted by a Resident Magistrate; and the amount received for any license shall be paid into the public funds of the said borough: Provided always, that any party to whom the Council of any borough may have refused any license under this Law may appeal from such decision to the Supreme or Circuit Court; and the Supreme and Circuit Court may make such order on such appeal as if said appeal had been brought from the Court of the Resident Magistrate.

5. Every license aforesaid shall be applied for and be obtained in the manner set forth in the said Ordinance No. 9, 1847; and every such license, and the person and premises named in such license, shall in all respects be subject to the provisions of the said Ordinance No. 9 of 1847 and Ordinance No. 3 of 1853, in so far as the said provisions shall not be at variance with or repugnant to this Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

SCHEDULE.

Form of Retail License.

I, _____, Resident Magistrate for the
(or, I, Mayor of _____), on this _____ day of _____,
186____, do hereby authorise and empower _____, residing
at _____, to sell by retail at _____, and
not elsewhere, ale, beer, porter, and any similar fermented liquor

Colonial Beer Licenses.—Insolvent Law Amendment.

of an intoxicating nature which has been brewed in the Colony of Natal, for the term of _____ from this date, and no longer.

Dated at _____, this _____ day of _____ 186 _____.
(Signature of Officer granting License.)

Given at Government House, this 3rd day of August, 1863.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 24, 1863.

Law for making further provision for the service of the year 1863.

LAW No. 25, 1863.

Law for making further provision for the service of the year 1864.

LAW No. 26, 1863.

Law to promote the Establishment of a Volunteer Mounted Burgher Force for the Defence of the Colony.

Repealed by Law No. 19, 1865, § 1.

LAW No. 27, 1863.

(Signed) J. SCOTT.

Law to amend Ordinance No. 24, 1846, entitled, " Ordinance for regulating the Due Collection, Administration, and Distribution of Insolvent Estates within the District of Natal.

WHEREAS, by Ordinance No. 24, 1846, the Ordinance No. 6, 1843, or Cape Insolvent Ordinance, is extended and applied, subject to several changes and adaptations thereafter contained, to the Colony of Natal: and whereas, it is necessary to amend the said Ordinance so extended and applied: Preamble.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Insolvent Law Amendment.

Repeals part of Ordinance No. 6, 1843.

1. That the 104th and 117th sections of said Ordinance No. 6, 1843, and so much of said Ordinance as is repugnant to or inconsistent with the provisions made by this Law shall be and the same are hereby repealed.

Sale to be subject to special mortgages, unless otherwise consented.

2. The trustee shall not be authorised to sell any property of the insolvent estate which shall be subject to any valid special mortgage otherwise than subject to such mortgage, unless it shall have been paid, or unless the holder of it, or some person competent to consent for such holder, shall consent in writing to such property being sold discharged from such mortgage; or unless the holder of another special mortgage on such property of earlier date or priority, or some person competent to consent for such last-mentioned holder, shall have consented in writing to such property being sold discharged from such his earlier mortgage: Provided always, that nothing in this section shall take away from the later mortgagee, before any such sale, the right of putting himself in the place of an earlier mortgagee by redeeming him.

Purchaser's liability on sale subject to mortgage.

3. The trustee may sell any property in the insolvent estate subject to any mortgage or charge thereon, unless the holder of such mortgage or charge, or the agent of such holder, shall, before such sale, have required in writing a sale of such property discharged from such mortgage or charge; and the purchaser of any such property subject to any mortgage or charge, and his property, shall be liable thereto, in like manner as the insolvent and his property would have been if there had not been any sequestration.

Rights of mortgagees of property sold discharged from them.

4. The proceeds of the sale of any property in the insolvent estate which was subject to any mortgage or charge shall, subject to the expenses of such sale, be applicable to the payment of such of the said mortgages, and charges and interest thereon, as such property shall be sold free from, according to their respective priorities as against such property before such sale; and any balance left unpaid upon any such mortgage shall, save as otherwise preferentially secured in the insolvent estate, be deemed of the nature of a concurrent demand.

Preference by general mortgage.

5. No merely general mortgage, or general mortgage clause, in any instrument executed after the promulgation of this Law, shall confer any preference on the mortgagee in respect of any property in the insolvent estate not in the lawful possession or under the control of such mortgagee at the date of the sequestration, and which, at the time the deed was executed, shall not have been delivered up to the mortgagee by deed of assignment, as further security.

Mortgagee not consenting to sale of property discharged.

6. If any special mortgage, whose consent to a sale of the mortgaged property free from his mortgage shall then be requisite, shall upon application by the trustee, in writing, to him or to his agent competent to assent, not consent with all reasonable speed to transfer his demand from the mortgaged property to the proceeds of the sale thereof in usual order, so as that such sale may take place free from such mortgage, such mortgagee shall thereafter have no claim on foot of such mortgage against any part of the insolvent estate other than the property so specially mortgaged to him, and shall not, thereafter, have any right of voting as a creditor by such mortgage demand.

Insolvent Law Amendment.

7. When the trustee shall be duly authorised thereto by a meeting of creditors, he may transfer, assign, or cede, any specially mortgaged property to any special mortgagee thereof, subject to any prior special mortgages thereon, in satisfaction of the whole or any part of such transferee's demand, and subject to, or discharged from, any charges subsequent thereto, as shall be by such meeting authorised, and as shall be agreed to by such transferee; and the transaction shall be deemed a sale within the provisions of section three hereof: Provided always, that any special mortgagee may apply to the Master of the Supreme Court, to order the trustee to summon a meeting of creditors for the purpose aforesaid: Provided also, that any special mortgagee on such property, who would be injured by the proposed transfer, may, at his own risk in respect of expenses, require the trustee to offer the property for public sale on the terms of the proposed transfer to the best and highest bidder; and such expenses shall be the first charge upon any price thereby realised.

Transfer of mortgaged property to mortgagee.

8. Nothing hereinbefore contained shall be deemed to lessen any such right as may have been vested heretofore in any trustee to sell any property free from any charges thereon other than special mortgages, save so far as any such charge shall be preferent to any special mortgage to which such property shall remain subject. Nor shall anything in this Law affect the efficacy of any decree or order of any Court, in reference to sales thereunder.

Sale of property discharged from mortgages.

9. When part of the insolvent estate shall consist of a lease or other interest in immoveable property for a limited period, subject to a rent or other like periodic payment, it shall be lawful, save in respect of any part of such lease or interest as shall be sub-let, for the trustee within three months after the sequestration, if duly authorised thereto by a meeting of creditors, to decline, by writing served upon the person entitled to receive such rent or payment (hereinafter called the lessor), to continue such interest, and thereupon, save as aforesaid and as hereinafter otherwise expressly provided, such lease or interest, and all charges thereon as against it, shall cease and determine: Provided always, that if the trustee shall so decline, the lessor may, within one month after being so served, require the trustee to assign to him the entire of the sub-let part or parts (if any), subject to the sub-lease or sub-leases: Provided, also, that if the lessor shall not so require, the rent payable to the lessor for such sub-let part or parts retained by the trustee shall be settled by the Master of the Supreme Court, subject to appeal with all reasonable speed to the Court: Provided, also, that if there shall be such assignment to the lessor of the sub-let part or parts, the lessor and sub-lessee shall have the same rights against one another, as if the lessor were the insolvent, and there had been no sequestration.

Trustee declining to continue lease.

10. Any person beneficially concerned in any charge upon any such lease or interest may by himself or his agent, within the first two of such three months as aforesaid, require in writing the trustee not to decline such lease or interest, but to transfer or assign to such person the estate of such trustee, in the same; and if there shall be more than one such person so requiring the trustee, the Master of the Supreme Court, subject to appeal to the Court, shall select

Owner of charge on lease requiring trustee not to decline.

Insolvent Law Amendment.

among them; and the trustee shall in such case not decline such lease or other interest, but, if previously authorised by the creditors as aforesaid to decline, shall in lieu thereof assign such lease or other interest to such person, and he shall in respect of any matter thereafter to occur, be liable in his capacity as tenant in like manner as the insolvent would have been if there had not been any sequestration: Provided always, that such person shall hold such lease or interest subject to all charges on the same prior to, and including his own charge, in like manner as the insolvent would have been liable thereto if there had been no sequestration.

Rights of lessor retained.

11. Nothing herein contained shall affect any right of the lessor against the insolvent estate or the assignee of the lease or interest, in respect of any matter or claim occurring or arising before such lease or interest shall have been declined or assigned, nor in respect of any forfeiture, penalty, or other claim, expressly provided for in any instrument creating or affecting such lease or other interest, save so far as any waiver may be deemed to prevent such lessor from enforcing any such demand.

Charges defeated as to lease to exist against insolvent estate.

12. All demands in respect of mortgages or charges upon such lease or other interest shall exist against the insolvent estate, so far as their security on such lease or interest shall have been defeated by the same being declined or assigned as aforesaid, in like manner as if they had not been originally secured by or charged on the same.

Insolvent to lodge with trustee a balance sheet, and copy thereof with Master Supreme Court.

Vide Law 11, 1872, § 3.

13. It shall and may be lawful for any insolvent, at any time after the third meeting of creditors, to lodge with the trustee of the insolvent estate, and a certified copy thereof with the Master of the Supreme Court, a balance-sheet, as near as possible in the form annexed, marked A, setting forth the capital he possessed either at the beginning of his business or at any fixed period during the time of his carrying on business: Also what monies have accrued to him, during that period, or during the time he has carried on business either by way of profit or otherwise: And also the amount of his debts owing at the time of his surrender; on the other side stating the amount of his losses, and how and where they accrued, his expenditure, and amount of his assets in hand, at a fair valuation, at the time of his surrender.

Insolvent, after filing of balance-sheet, may apply for rehabilitation.

Vide Law 11, 1872, § 3.

Six weeks' notice to be given.

Insolvent to give security for costs.

14. It shall and may be lawful for any insolvent, after he has filed with the Master of the Supreme Court the balance-sheet in preceding section mentioned, to apply to the Supreme Court, by motion, for his discharge: Provided, that at least six weeks' notice of the day on which such motion is to be made, shall be given by advertisement in the *Government Gazette*, and that six weeks shall intervene between the filing of balance-sheet and the day of application for rehabilitation: Provided no such motion shall be capable of being made until such insolvent shall have given security to the Master of the Supreme Court, and to his satisfaction, in the sum of twenty pounds sterling, for the payment of costs of any person who may appear to oppose such discharge, and to whom the Court may see fit to award his costs.

Insolvent to be examined before Master of

15. Every insolvent shall, within twenty-one days after he shall have filed his said balance-sheet, attend before the Master of the

Insolvent Law Amendment.

Supreme Court, or before the Resident Magistrate, as the case may be, on a day to be appointed by the said Master, by notice in the *Government Gazette*, to be examined on his balance-sheet and his general dealings, and on all matters relating to his trade dealings or estate; and the trustee or trustees, and any creditor, either by himself, his advocate, attorney, or agent, may examine such insolvent on said balance-sheet, and on all matters relating to his trade dealings or estate, either before or after his insolvency.

Supreme Court or Resident Magistrate twenty-one days' after filing balance-sheet by trustee or creditor.
Vide Law 11, 1872, § 3.

16. Every insolvent applying to the Court as aforesaid for his discharge, shall make oath in writing that he has made a full and fair surrender of his estate, and that he has not granted any preference or security, or made or promised any payment, or entered into any secret or collusive agreement or transaction, with intent to persuade his trustee or trustees, or any creditor, to forbear opposing such insolvent's discharge by said Court; and upon the day fixed for the hearing of such motion, the insolvent shall appear personally, and be further examined if required, and may be assisted by counsel and call witnesses, and the trustee or trustees, or any of the creditors of the insolvent, may appear in person, or by counsel, and oppose the granting of the discharge aforesaid, and the Court, having regard to the conformity of the insolvent to the Insolvent Law, and to his conduct, whether a trader or not, before as well as after the sequestration of his estate as insolvent, shall, whether the discharge of such insolvent be opposed by the trustee or trustees, or any creditor, or not, judge of any objection against granting such discharge, and either declare the insolvent entitled thereto, or refuse or suspend the granting of the same, or annex such conditions thereto as the justice of the case may require: Provided always, that any person so opposing the granting of the discharge aforesaid, must, seven days before the day fixed for such motion, give notice in writing to such applicant of his intention to oppose, and the grounds of his opposition.

Mode of insolvent obtaining his discharge—to make affidavit;

To appear personally in Court;
Vide Law 11, 1872, § 1.

Trustee or any creditor may oppose discharge.

Person opposing to give notice.

17. The Supreme Court may, from time to time, make such rules, orders, and regulations as may be necessary for determining the procedure upon motions for discharge of insolvents, and may, by such rules, orders, and regulations, make known the evidence or information, documentary or otherwise, which the Court will require in addition to affidavit required in section sixteen.

Supreme Court to make rules to regulate procedure on application for discharge.

18. The order of the Court granting the discharge of any insolvent shall be in such form as shall, by such rule, order, or regulation as aforesaid, be established, and shall have the same force and operation, to all intents and purposes, as is by Ordinance aforesaid—No. 6, 1843—attached to the certificate allowance thereof in the said Ordinance mentioned, and shall be null and void for any reason on account of which, according to the Ordinance aforesaid, such certificate and allowance would be null and void.

Form and operation of order of discharge.

19. All and singular the provisions of the one hundred and nineteenth section of the Ordinance aforesaid, regarding preferences, gratuities, securities, or payments, and secret and collusive agreements and transactions, intended to persuade any creditor to consent to sign the certificate in the said section mentioned, shall apply to the same matters and things, when intended to persuade any trustee

Provisions of Ordinance No. 6, 1843, § 119, to apply to discharge of insolvent.

Insolvent Law Amendment.

or any creditor to forbear opposing the discharge of such insolvent; and any trustee or creditor receiving any money, matter, or thing, or promise of the same, as a consideration for, or inducement to, such creditor to forbear such opposition, shall incur the forfeiture in the said one hundred and nineteenth section mentioned.

Pleading discharge.

20. The provisions of the one hundred and twenty-third section of the Ordinance aforesaid, in regard to the manner of pleading the certificate therein mentioned, shall apply, *mutatis mutandis*, to the manner of pleading the discharge granted by the Court.

Order granting discharge to be final and conclusive.

Mode of review.

21. The order of Court granting the discharge of any insolvent, or refusing or suspending the allowance thereof, shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see good and sufficient cause to believe that the granting of such discharge, or the refusal or suspension thereof, has been obtained on false or insufficient evidence, or by reason of an improper suppression of evidence, or has otherwise been fraudulently obtained: In any of which cases it shall and may be lawful for the Court, upon the application of the insolvent, or of the trustee, or any creditor of the insolvent, and subject to such order as to deposit of a sum for costs, and to such notices to the insolvent, or to any trustee or creditor, by advertisement or otherwise, as the Court shall think fit, to grant a re-hearing of the matter, and to re-hear the same accordingly; And upon such re-hearing, the Court shall make such order as to the granting of such discharge, or the refusal or suspension thereof, as the justice of the case may require, in like manner, upon like conditions, and having regard to the like circumstances, as far as the case will admit, as upon an original hearing; and in case the discharge shall have been previously granted, and upon such re-hearing the granting thereof shall not be confirmed, such discharge shall be of no force or effect whatever, but, on the contrary, null and void: Provided always, that any insolvent who has been refused his certificate of rehabilitation may, at any time after the expiration of one year from the date of the disallowance of any such certificate, apply by motion to the Supreme Court to allow him to renew his application for his discharge; and the Supreme Court, upon good and sufficient cause being shown, may permit the insolvent to renew such application, and such application shall be made in the same manner, and subject to the like conditions, as are imposed by this Law on the first application.

Insolvent may renew application for discharge after expiration of a year from former refusal.

Power to summon witnesses.

22. On every examination of any insolvent, or on any adjournment thereof before the Master or Resident Magistrate, such Master or Resident Magistrate may, at the instance of any creditor, or of the insolvent, issue a summons for, and compel the attendance of, any witness so required to attend any such examination.

Provisions of Law, how far applicable.

23. The provisions of this Law, save where otherwise expressly provided, shall apply to insolvent matters pending when it shall come into operation, as well as to those thereafter commencing, but not so as to disturb any matter then already disposed of, arranged, or transacted.

Commencement of Law.

24. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Insolvent Law Amendment.

[SCHEDULE A.

Vide Law 11,
1872, § 3.*Statement of Liabilities and Assets.*

DIRECT DEBTS DUE AT DATE OF INSOLVENCY.		ASSETS SURRENDERED.	
	£ s. d.		£ s. d.
For Wages or Salaries ..		Cash in hand or in Bank	
Upon Promissory Notes,		at date of surrender or	
Bills, or Acceptances ...		sequestration	
Upon open Accounts ...		Bills receivable on hand,	
Secured by Bond, Deposit		same date	
of Property, or otherwise		Estimated value of debts	
		due to Insolvent at same	
		date	
Total Direct Debts ... £		Value of Landed Property	
		Value of Household Fur-	
		niture	
Proportion of indirect debts		Value of other Assets, if	
due at date of Insolvency,		any, specifying them ...	
likely to fall eventually		Deficiency between Assets	
on the Estate (and which		and Liabilities	
proportion is to be ar-			
rived at by deducting			
from the total indirect			
debts the part thereof			
likely to be borne by			
persons primarily liable,			
as between them and the			
Insolvent).			
	£		£

SCHEDULE B.

Statement showing how Deficiency in above Statement occurred.

	£ s. d.		£ s. d.
Capital three years prior		Trade expenses within three	
to insolvency (or at date		years from date of in-	
of commencing business		solvency, or since com-	
if insolvency happened		menncement of business...	
within three years) ...		Losses in trade during same	
Gross profit acquired within		period	
the three years, or since		Personal expenses, during	
commencement of busi-		same period	
ness, stating sources of		Losses by bad debts, during	
profits		same period	
Balance showing excess of		Losses in respect of indi-	
losses and expenses over		rect liabilities by default	
and above capital, and		of persons who, as be-	
gross profit		tween them and the In-	
		solvent, ought to have	
		paid the same, during	
		same period	
	£		£

Given at Government House, this 4th day of August,
1863.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

Legalizing certain Corporate Acts.

LAW No. 28, 1863.

(Signed) J. SCOTT.

Law to legalise Certain Acts of the Corporation of the Boroughs of Pietermaritzburg and Durban.

Preamble.
Vide Law 21,
1862.

WHEREAS the Town Council of Pietermaritzburg have increased the number of wards in that Borough, and certain persons have been requested to become candidates for election as Town Councillors therein : And whereas by Law No. 21, 1862, it is provided that such additional wards should only be created by any Council elected under said Law : And whereas no such election has hitherto taken place, and it is expedient to legalise the division of the Borough into wards by the now existing Council, although elected under the provisions of a former Law : And whereas it is provided under Law No. 21, 1862, that all requisitions for the first election of Town Councillors for any Borough shall be transmitted, together with the candidates' acceptance thereof, to the Resident Magistrate ten days before such elections are appointed to take place : And whereas the requisitions for the election of Town Councillors for the Borough of Durban, and the candidates' acceptance of such requisitions, have been transmitted to the Mayor of Durban :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Declaring division of Pietermaritzburg into six wards as good and valid.

1. That the division of the Borough of Pietermaritzburg into six wards by the present Council is hereby declared as good and valid as if such division had been made under the provisions of the Law No. 21, 1862.

Legalizing election of Councillors for the wards into which Pietermaritzburg Borough has been divided by Town Council.

2. The election of any person who shall hereafter be duly elected Councillor for any ward into which the said Borough of Pietermaritzburg has been so divided as aforesaid, shall be as good and valid and effectual as if elected Councillor under the provisions of the said Law No. 21, 1862 ; and he shall be deemed elected for any ward into which the Borough has been divided, as if the said division had been made by the Council of the Borough, elected at the first election after the coming into force of said Law No. 21, 1862.

Preserves powers of Council in event of non-election of Councillors for any ward divided as above.

3. If the voters in any ward into which the said Borough of Pietermaritzburg shall have been divided as aforesaid shall fail to elect two Councillors for such ward, or if the voters for such ward shall only elect one such Councillor, then in every such case the Council may proceed and exercise all the powers and authorities vested in them under Law 21, 1862, to all intents and purposes as if two Councillors had been elected for such ward : Provided always, that when only one person is elected for any such ward, such person shall be deemed a member of the Council of the Borough, anything in the Law No. 21, 1862, notwithstanding to the contrary contained.

Legalizing certain Corporate Acts.—Durban Town Council.

4. In any ward for which no Councillors, or only one Councillor, shall be returned, the Council shall adopt such and the like measures for filling up such vacancy as may exist therein, as would have been competent for the Council to do in the event of a vacancy occurring in such ward by death, resignation, or other incapacity of a duly elected Councillor.

Vacancy, how to be filled up.

5. The transmission of any requisition to become a candidate for the next election as Councillor for any ward, and the candidate's acceptance thereof, to the Mayor of the Borough of Durban, shall in no way invalidate or impair the election of any Councillor for the Borough of Durban, but his election, and all proceedings thereon, shall be as valid and effectual as if the same had been conducted as directed by Law No. 21, 1862, concerning the first election of Councillors for any Borough, and the Council so elected for the Borough of Durban shall have, exercise, and possess and enjoy, all the powers, rights, and authorities vested in them under Law No. 21, 1862, as fully and effectually as if the said Council were duly and regularly elected under that Law.

Legalising transmission of requisition to Mayor of Durban instead of to Resident Magistrate.

57. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 5th day of August, 1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

PRIVATE LAW.

(Signed) J. SCOTT.

Law to extend the Powers of the Council of the Borough of Durban for Sanitary Purposes.

WHEREAS, doubts have arisen on the general powers of Municipal Councils under the fifty-second section of the Law No. 21, 1862, and it is desirable for sanitary reasons that the Council of the Borough of Durban should be invested with ample and complete powers to make and construct watercourses and drains where necessary through private land.

Preamble.
Vide Law 21,
1862, § 52.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. The Council shall have power and authority within the limits of the Borough, subject to the restrictions herein contained as to the plans to be prepared and the notice to be given, to excavate and

Council to have power to make watercourses,

Durban Town Council.

&c., through private land, and to repair the same, making full compensation.

Also through lands on which buildings are erected, or are in course of erection.

Twenty-four hours of notice to be given of intention to build over any drain.

Precautions to be observed in building walls over any watercourse.

Drains through private lands to be covered with masonry.

Council to have power to enter private land for certain purposes.

Plans of drains, &c., to be prepared by surveyor, and fourteen days' notice to be given of intention to carry out such works.

Council to meet to hear objections against any such works.

construct and lay watercourses, water-pipes, conduits, sluices, and drains through private land, and from time to time to repair the same, doing as little damage as may be, making full compensation to the owner and occupier thereof when any damage or injury is caused thereby.

2. The Council shall have at all times power and authority to construct any drains or watercourses through private lands within the Borough on which buildings are erected or are in course of erection: Provided, nevertheless, that the Council shall indemnify and be accountable to the owner or owners of such buildings, and any person having any interest therein, for any losses or damage which may at any time be sustained by him or them in consequence of the construction of such drains or watercourses; and that the extent of such damage and the necessary compensation therefor shall be ascertained and assessed by competent valuers, to be appointed by the said Council and the proprietors or proprietor of such buildings respectively.

3. No owner or holder of land shall begin to build or allow to be built any building over any drain without first causing twenty-four hours' notice to be served at the Town Clerk's office of such intention to build over the said drain or watercourse.

4. If any owner or holder of land shall intend to build a wall or walls over such drain or watercourse after its construction, he shall use such precautions in the construction of such wall or walls as may be determined by the Town Surveyor to be requisite for the security of such drain or watercourse.

5. The Council shall be compelled to cover with masonry or brickwork every drain carried by them through private lands, and to keep the same in thorough repair, as well as to give compensation for any losses or injuries that may be sustained by the falling or disrepair of any such drain.

6. The Council shall by its surveyor, workmen, contractors, and servants have power from time to time and at all reasonable hours during the daytime to enter on any private land within the town of Durban, through which it may be necessary to carry any of the before-mentioned works, for the purpose of surveying, making, cleansing, keeping in repair, amending, upholding, or inspecting the same: Provided, that twenty-four hours' notice shall first have been given to the occupier of such land, except in cases of special emergency.

7. The Council shall cause its surveyor to prepare proper plans of any works that may have to be carried out under clauses 1 and 2 of this Law; and shall, fourteen days at the least before such works are to be proceeded with, give public notice of its intention to carry out such works, and of the time when it will be prepared to hear objections to the said works being carried out; and the said plans shall be deposited in the Town Clerk's Office, and be open for inspection during the said period of fourteen days.

8. The Council, or a committee of the Council, to be appointed for this purpose by resolution in the ordinary way, shall meet at the time and place mentioned in the said notice to consider, in the presence of the surveyor, any objections made against such intended

Durban Town Council.

work, and all persons interested therein or likely to be aggrieved thereby shall be entitled to be heard at such meeting.

9. Any person who may feel aggrieved by any final order of the Council relating to the works aforesaid may, at any time within seven days after the making of such order, give notice in writing to the Council that he intends to appeal against such order to the Court of the Resident Magistrate (of the borough), within a period not more than ten days from the date of such notice; and if the party enter into a recognizance before any Justice of the Peace, with one sufficient surety, binding himself to prosecute such appeal, the work so appealed against shall not be begun until after the judgment of the Court upon such appeal; and such Court, upon due proof of such notice and of such recognizance having been given and entered into, shall hear and determine the matter of appeal, and shall make such order thereon, either confirming, quashing, or varying the same, and shall award such costs to either of the parties as the Court in its discretion thinks fit.

Appeal against any final order of the Council, how to be proceeded with.

10. Should any dispute arise between the Council and any person interested in private land through which any drain or water-pipe may pass in respect to compensation for injuries or damage sustained in consequence of such work, such dispute shall be referred to the arbitration of two persons, severally appointed by either party; and should these arbitrators not agree in their decision, the dispute shall be referred to the decision of an umpire, to be chosen by such arbitrators, and the decision of such umpire shall be final.

Disputes in respect to compensation to be settled by arbitration.

11. This Law shall be deemed and taken to be a public Law; and shall commence and take effect on and after the publication thereof in the *Government Gazette*.

Law to be a public Law; and commencement thereof.

Given at Government House, this 27th day of July, 1863.

By command of His Excellency the Lieutenant Governor,
(Signed) D. FRISKINE,
Colonial Secretary.

PRIVATE LAW.

(Signed) J. SCOTT.

To extend the Powers of the Council of the Borough of Durban, in the Raising of Funds for the Prosecution of Public Works and other Public Purposes.

WHEREAS, it is expedient, by reason of promissory notes and bills of exchange being given in payment of land sales and for the carrying on extensive works within the Borough, that the Council of the Borough of Durban shall have the power to negotiate such bills of exchange and promissory notes: and whereas, doubts have arisen as to the powers of the Council in this respect:

Preamble.

Durban Town Council.—Natal Railway.

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Council may authorise Mayor to negotiate bills of exchange, &c.

Form of negotiation.

1. The Council of the Borough of Durban may authorise the Mayor thereof for the time being to negotiate all such bills of exchange and promissory notes received as aforesaid, and being the property of the Corporation.

2. Such negotiation shall be in the form following :

“ Pay to the order of _____ for value
“ received.

“ By order of the Council. Dated _____
“ A B, Mayor.

“ Countersigned,
“ C D, Town Clerk.”

Councillor exempted from liability; corporate property alone liable.

3. No liability, personally, shall attach to any Councillor for authorising the negotiation of such a document, nor shall the Mayor or Town Clerk be liable, personally, on such. The funds, property, and effects of the body corporate, shall be alone liable to be attached, or taken in execution, in satisfaction of any judgment which may be obtained thereon.

Register to be kept of bills, &c., negotiated.

4. The Mayor and Council shall keep a book of register of all bills of exchange and promissory notes negotiated by them, which shall be open to the inspection of the burgesses at all reasonable times.

This Law to be a public Law

5. This Law shall be deemed and taken to be a public Law, and shall be judicially recognised as such in all Courts of Law.

Commencement of Law.

6. This Law shall commence and take effect on and after the publication thereof in the *Government Gazette*.

Given at Government House, this 30th day of July, 1863.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

(Signed) J. SCOTT.

Law for further amending the Law entitled “ A Law for the “ Incorporation of the Natal Railway Company,” passed on the 21st day of June, 1859: And for conferring further Powers and Indemnities on the said Company.

Preamble.
Vide Law 21st June, 1859.

WHEREAS the capital of £10,000, authorised to be raised as the capital of the Natal Railway Company, by the Law entitled “ A “ Law for the Incorporation of the Natal Railway Company,” passed on the 21st day of June, 1859 (hereinafter referred to as

Natal Railway.

The Natal Railway Company's Law, 1859): And the further capital of: £5,000, authorised to be raised by the said Company on new shares, by the Law entitled "A Law to amend the Law" entitled, "A Law for the Incorporation of the Natal Railway Company," passed on the 31st day of July, 1860, hereinafter referred to as the Natal Railway Company's Law (1860), have been raised, and a further sum of: £5,000 has been borrowed by the said Company on bonds, under the powers and authorities conferred by the said Laws on the directors of the said Company:

Act No. 35 of
July 1860.

And whereas, the purposes for which the said capital sum of £5,000 was to be raised by the new shares were declared by the said Natal Railway Company's Law, 1860, to be to extend the wharf then erected, and to give increased facilities by the erection of larger warehouses than at first contemplated, and to purchase boats:

And whereas, the said wharf has been considerably extended accordingly, and a portion of the said capital sum of £5,000 so raised under the powers of the said Natal Railway Company's Law, 1860, has been expended thereon; but, in consequence of the urgency and pressure of other debts and claims upon and due by the said Company, the other works contemplated by the said last-mentioned Law have not been executed:

And whereas, in order to reduce the amount payable for the cartage and delivery of goods between the Market Square station of the Railway and the various parts of the town of Durban, to which the said Company were liable under the before-mentioned Laws, the directors deemed it desirable to extend the line of Railway to the west end of the Town of Durban, in front of Pine Terrace there, under the powers of the Natal Railway Company's Law, 1859; and a considerable portion of the said additional capital has been expended thereon; and leases in favour of the said Company have been obtained from the War Department of Her Majesty's Imperial Government, and from the Mayor, Councillors, and Burgesses of the Borough of Durban, of the land over which the extended line runs and adjoining thereto: by means whereof a considerable reduction has been secured to the Company in the amounts from time to time paid and to be paid for such cartage and delivery of goods as aforesaid:

And whereas, the cost of the making and executing the said Railway, and of the rolling stock, plant, and other requirements necessary therefor, and of the working expenses of the line, have largely exceeded the amount of the estimates made at the formation of the said Company in respect thereof: and various requirements for the due working of the said Railway have been found necessary for the working of the said line which were not originally contemplated and provided for in such estimates; and a large amount of debts have thereby necessarily accumulated against the said Company in respect thereof, and the directors have been obliged, in order to continue the working of the said line, and to prevent the same being closed, and the loss which would thereby accrue to the shareholders, to apply the residue of the capital moneys raised on new shares under the authority of the said Natal Railway Company's

Natal Railway.

Law, 1860, after deducting the amount paid for such extension of the said wharf as aforesaid, and also the moneys raised on the aforesaid bonds, in and towards payment of the aforesaid extension of the line and the debts and liabilities of the said Company:

And whereas, the directors of the said Company, finding that they were unable by and out of the increased traffic of the line to satisfy the aforesaid debts and liabilities, and in view of the necessity of applying to the Legislative Council of the Colony of Natal at the then ensuing session thereof, called a special meeting of the proprietors of the said Company, which was held on the 6th day of January last, to lay before them the condition and necessities of the said Company; at which meeting a committee was appointed to examine into the accounts and other matters relating to the said Company, and to report to an adjourned meeting of the Company as to the past and future management thereof; and at such adjourned meeting, held on the 20th day of January, the report of the said committee was brought up and discussed, and it was resolved to recommend to the directors to raise five hundred more preferent shares of £10 each, bearing interest at eight per cent. per annum, to meet the present urgent liabilities of the Company; and a committee was at such meeting appointed to take means for the immediate disposal of such shares; and it was further recommended that the said directors should apply to the said Legislative Council during the then ensuing session for its sanction to their raising moneys in manner aforesaid, and for a Law to amend the said Laws of the said Company in certain respects, and to empower the directors, with the consent of the shareholders, to lease or sell the line as might be thereafter deemed most expedient.

And whereas, the quantities of various articles of goods and merchandise, which by the schedule C of the Natal Railway Company's Law, 1860, are recognised as a ton, and enacted to be deemed and taken as such in respect to the tolls thereby authorised to be levied, have been found to be inexact both in the way of excess and deficiency; and it is desirable to repeal the said schedule C, and to fix a more equitable and correct scale as to the quantities of various goods and merchandise which shall be recognized as a ton for the purposes aforesaid:

And whereas, the charges for the conveyance of goods from the Company's wharf to vessels lying in the outer anchorage and the inner harbour of the Port of Natal and *vice versa*, as sanctioned by the Natal Railway Company's Law, 1860, require to be amended:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. That so many of the provisions of the said Natal Railway Company's Law, 1859, and the Natal Railway Company's Law, 1860, and the schedule C therein referred to, as may be repugnant to or inconsistent with any of the provisions of this Law, shall be and are hereby repealed.

2. The said Company, and the directors for the time being, and their predecessors in office, and all officers acting under them, are hereby held harmless and indemnified from all liabilities, damages,

Repeals certain provisions of Laws of 1859 and 1860.

Directors and other officers of the Company held harmless

Natal Railway.

suits, and proceedings, to which they or any of them have rendered themselves liable, by reason of their or any of them having applied any portion of the moneys received in respect of the new shares issued under the Company's Law of 1860 towards other purposes of the said Company than those authorised by the said Law: Also, in having issued the said shares as preferent shares as aforesaid, and the issue of which, with such guarantee of preference, is hereby confirmed and ratified: Also, in respect of their having continued the line from the Market Square Station to the western end of Pine Terrace, and having obtained leases of the land required by the said extension from Her Majesty's War Department, and from the Mayor, Councillors, and Burgesses of the Borough of Durban; and which said leases are hereby ratified and confirmed to the Natal Railway Company, so far as relates to any want of authority to the said Company to accept, possess, and hold the same, with the lands and premises leased thereby.

and indemnified
for certain pre-
vious acts.

3. The directors shall be, and they are hereby, authorised and empowered, from time to time, to issue new shares in the said Company, of the value of £10 each, with a right to the payment of a half-yearly dividend, not exceeding four per cent. per half-year, out of the profits of the current half-year, in preference to the holders of original shares created by the Natal Railway Company's Law, 1859, but *pari passu* with the holders of preferent shares created under and by virtue of the Natal Railway Company's Law, 1860: And upon such terms and conditions as to the price and time or times of payment thereof, as the directors shall, from time to time, in their discretion determine upon: Provided, that the total number of shares to be created in pursuance of this clause shall not exceed five hundred shares; and provided, that notice be inserted in the *Government Gazette*, and one of the local papers, one month previous to the issuing thereof, stating the number of shares to be issued, and the terms on which such new shares are to be offered to the public, in case they are not to be previously offered to the shareholders; or, if they have been offered, have not been applied for by them: And provided, and it is hereby declared, "that the preferent dividends payable on the shares created under the powers of the Natal Railway Company's Law, 1860 (ratified as preferent by this Law), and also the five hundred shares aforesaid, authorised to be issued under this Law," shall be payable and paid out of the profits of the current half-year only: And in case of any deficiency in any half-year, in such funds, for payment of such preferent dividend, the balance thereof shall not be a debt due by the Company to the proprietors of such preferent shares, nor shall such proprietors be entitled to claim and obtain payment of any such balance out of profits of the Company subsequently acquired and realised: Provided, that nothing in this clause contained shall in any way affect or impair any mortgage bond issued, or to be issued, by the Natal Railway Company under its borrowing powers; and mortgagees, and all holders of said bonds, can exercise all the rights and privileges of enforcing the payment of the same, or any interest due thereon, in priority to, and in preference of, preferent shareholders.

New shares may
be issued, with
right to payment
of half-yearly
dividend of 4 per
cent.

Not to exceed
five hundred.

Notice to be
given in
"Government
Gazette."

Preferent divi-
dends payable
out of profits of
current half-year
only.

Mortgage bonds
not affected or
impaired.

Natal Railway.

Directors may issue scrip and share certificates for money already borrowed in anticipation of this Law.

4. And in respect to the moneys recently received by the said Company, on the faith of the Company's applying for, and obtaining, the powers herein contained and conferred, the directors shall be, and they are hereby, authorised and directed forthwith to issue scrip and share certificates for the moneys paid thereon, to the person or persons paying the same : And such new shares so to be issued shall be taken as, and form part of, the five hundred shares authorised to be issued by the said Company under and by virtue of the clause last hereinbefore contained.

Directors may, with sanction of shareholders, hereafter issue a further number of shares.

5. The directors shall be, and they are hereby authorised and empowered, at any time or times hereafter (with the sanction of the shareholders, as hereinafter provided) to issue a further number of new shares in the said Company, of the value aforesaid, with or without the right to the payment of a half-yearly dividend, in preference, as aforesaid, and, if the same be issued as preferent shares, then either with such preference, in the payment of dividends, *pari passu* with the holders of preferent shares theretofore issued, or with a preference over such preferent shareholders ; and such further shares, to be issued under and by virtue of this clause, shall be issued with such notice in the *Government Gazette*, and otherwise, and in the same manner and form as are provided for in and by the third clause hereof, in relation to the shares thereby authorised to be issued : Provided that, the total number of shares to be created in pursuance of this clause shall not exceed five hundred shares, and provided that previous to any shares being issued, under and by virtue of this clause, the directors shall call a special general meeting of the shareholders of the said Company, by advertisement, specifying the number of shares proposed to be issued, and if preferent, the nature and extent of such preference, and also the purposes for which the capital to be raised by the issue of such new shares is to be applied ; and no such new shares shall be issued by the directors, unless the issuing thereof be approved of by resolution of the shareholders passed at such special meeting : But so, nevertheless, that it shall be lawful for the shareholders at their meeting, in and by any resolution then passed, to modify, enlarge, or add limitations or conditions to the proposals and recommendations of the directors, in relation thereto : And provided further, that it shall not be lawful for the directors, for the time being, to apply any of the capital moneys, to be raised in manner aforesaid, for any other purposes whatsoever, except such as shall have been approved and sanctioned by the shareholders in manner aforesaid.

Notice to be given in "Gazette."

Number not to exceed five hundred.

Special general meeting to be called.

Moneys not to be applied otherwise than as approved by shareholders.

Directors may borrow money to the extent of one-third of the paid-up capital ;

6. The directors shall be, and they are hereby, authorised from time to time to borrow, in manner as provided in the Natal Railway Company's Law, 1859, except as hereinafter excepted, moneys to the amount in the whole of one-third (and no more at one time) of the then paid-up capital of the said Company, whether such capital shall consist of moneys raised under the powers of this Law or of any previous Law relating to the said Company : And further, that the directors shall be at liberty to issue bonds for the same in any amount, or amounts, whatsoever, whether the same be for fifty pounds (the amount fixed by the said Natal Railway Company's

And issue bonds for the same.

Natal Railway.

Law, 1859), or for any less or greater amount, as in the discretion of the directors shall be deemed most expedient.

7. The directors of the Company shall be, and they are hereby authorised and empowered, from time to time, to let on building lease, for the erection of warehouses and other purposes, incident to the use of the railway, such portions of the lands now or hereafter to be leased or granted to the said Company, for such term or terms, and at such rents and on such conditions as the directors shall, in their discretion, think advantageous to the Company: Provided always, that the power of leasing land herein given to the directors of the said Company shall not be at variance with, or repugnant to, the conditions of any lease made or granted to the said Company; and further provided, that the directors shall not have power to lease any lands being the property of Her Majesty, or of any department of Her Majesty's Government, which may or shall be held under lease by the said Company, unless the prior assent of the Lieutenant Governor, or such other aforesaid department of Her Majesty's Government, as the case may be, shall be first obtained by the said Company.

Directors may lease their lands.

Lands belonging to the Crown not to be sublet without permission from civil or military government.

8. The directors of the said Company shall be, and they are hereby, authorised and empowered to make, draw, accept, or endorse, any bill of exchange or promissory note for the purposes of the Company.

Directors may draw or accept promissory notes.

9. A bill of exchange or promissory note shall be deemed to have been made, drawn, accepted, or indorsed, on behalf of the Company, if made, drawn, accepted, or indorsed, in the name of the Company, by any two of the directors of the Company, and countersigned by the secretary or manager thereof; and any such bills of exchange and promissory notes so made, drawn, accepted, or indorsed, shall be binding and conclusive on the said Company; and the persons so signing the same, on behalf of the said Company, shall not either jointly or severally be personally liable on any such bill of exchange or promissory note.

Promissory notes to be signed by two directors, and to be binding on the Company.

10. That contracts on behalf of the Company may be made, executed, and entered into, as follows, that is to say:

Contracts may be made.

1. Any contract which, by the law of this Colony, requires to be made, varied, or discharged by writing, or under seal, may be made, varied, or discharged, on behalf of the Company, under the common seal of the Company.
2. Any contract which, if made, varied, or discharged, by or between private persons, would be valid, although made verbally only, and not reduced into writing, may be made, varied, or discharged verbally, on behalf of the Company, by any person acting under the express or implied authority of the Company, or the directors thereof.

11. The Company are hereby authorised and required to carry and convey, by any usual train, upon the railway and the tramway, when made, in manner provided by the said recited Law, or by any boats or lighters, all such goods as shall be offered for that purpose,

Company may convey goods on terms determined by directors, not exceeding specified rates.

Natal Railway.

and to make such reasonable charges in respect thereof as the directors may, from time to time, determine on, not exceeding the following charges:

	£	s.	d.
For receiving goods from any ship or lighter at the wharf of the Company at the Point, to and delivery at, any part of the town of Durban: For every ton weight of heavy goods, or for every quantity recognised as such, as per Schedule hereunto annexed (marked D), or for every forty cubic feet of goods by measurement, at the option of the Company	0	6	0
For collecting goods in the Town of Durban and delivering the same at the vessel or lighter at the wharf at the Point, for the like weight, quantity, or measurement of goods, at the option aforesaid	0	6	0
For the conveyance of goods from the Company's wharf to any ship in the outer anchorage of the Port of Natal, and <i>vice versa</i> , for the like weight, quantity, or measurement of goods, at the option aforesaid, per ton	0	12	6
For the conveyance of goods from the Company's wharf to any ship in the inner harbour of Port Natal, and <i>vice versa</i> , for the like weight, quantity, or measurement of goods, at the option aforesaid, per ton	0	3	6
For portorage in removing any goods from the Company's wharf, and placing them in any warehouse at the Point, not belonging to the Company, and <i>vice versa</i> , for the like weight, quantity, or measurement of goods, at the option aforesaid	0	1	0
For the conveyance of stone to be used at the Harbour Works, from one terminus to the other, by trucks or wagons belonging to Her Majesty's Colonial Government, per ton... ..	0	0	1

And so on, in proportion, for any less quantity of goods than a ton in weight, or forty cubic feet in measurement, except that where the goods received by the Company, and awaiting delivery on any one day, for any one person or firm, shall not exceed seven hundred-weight by weight, or fourteen cubic feet by measurement, the same shall be chargeable as provided in the ninth clause of the Natal Railway Company's Law, 1860: Provided, that it shall be lawful

Natal Railway.

for the directors, from time to time, to alter and vary (by way of increase, but not of decrease) the quantity of any goods recognised as a ton, from the quantities respectively set forth as recognised as such in the said Schedule D: And provided, that the foregoing rates shall be known as tonnage rates.

Vide Law 18,
1876, § 5.

12. Wherever in the portions of the Natal Railway Company's Law, 1860, which are not hereby repealed, the said Schedule C, thereto annexed and hereby repealed, is mentioned or referred to in respect of what shall be recognised as a ton weight, the clauses in which any such mention or reference occurs, shall be read and construed as if the Schedule D hereunto annexed had been inserted in the said Law, in place of the said Schedule C thereunto annexed.

Schedule D of
this Law to be
substituted for
Schedule C of
Law of 1860.

13. This Law shall come into operation from and after the expiration of fourteen clear days after the publication thereof in the *Government Gazette*.

Commencement
of Law.

SCHEDULE D.

Vide Law 18,
1876; Schedule B.

Acids	20 feet	to ton
Bags, Vacoa	400 bags	"
" Gunny	500 bags	"
Barley	1,800 lbs.	"
Beef, Salted, in tierces	4 tierces	"
" " in barrels	6 barrels	"
Beer, in hhds. of 54 gallons	3 hhds.	"
" in barrels of 36 gallons	5 barrels	"
" in kilderkins of 18 gallons	8 kilderkins	"
" in bottles, 4 doz. casks quarts	6 casks	"
" " 6 " pints	6 casks	"
" " cases	(same as casks).	"
Biscuit, in bags	1,200 lbs.	"
" in barrels, flour size	8 barrels	"
Bran, in 3 bushel bags	16 bags	"
Butter, in firkins not exceeding 75 lbs.	25 firkins	"
Bones	1,000 lbs.	"
Brooms, ordinary	60 brooms	"
Candles, in 25 or 28 lb. boxes	40 boxes	"
Coke, in 3 bushel bags	16 bags	"
Coke, in bulk	10 cwt.	"
Coal, in 3 bushel bags	15 bags	"
Coffee, in 162 lb. bags	13 bags	"
Dhoil	12 bags	"
Fish, in bundles	1,500 lbs.	"
Fire Bricks	300 bricks	"

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Flour, in 100 and 108 lb. bags	...	20 bags	to ton
.. in 200 lb. sacks	...	10 sacks	..
.. in casks	...	8 brls., or 14 $\frac{1}{2}$ -brls.	..
Gin, Holland, red cases, 4 gallons	...	18 cases	..
.. .. 5 ..	...	15 ..	..
.. .. green cases, 2 ..	...	25 ..	..
Gunpowder	...	1 000 lbs.	..
Hay, cut or other, unpressed	...	100 lbs.	..
.. .. pressed	...	10 cubic feet	..
Hides, ox or cow, wet	...	50	..
.. .. dry, well folded	...	35 to ton, or 40 c. ft.	..
Horns, ..	...	500	to ton
.. rhinoceros	...	1,500 lbs	..
Iron Pots	...	7 cwt.	..
Iron, bar, and sheet galvanized, in blls. & cs.	...	1,800 lbs.	..
Ivory	...	1,200 lbs.	..
Lime	...	10 muids	..
Machinery, if in cases over 10 cwt.	...	Special.	..
Matches	...	20 feet	..
Mealies or Mealie Meal	...	12 muids	..
Oats, muid bags	...	15 bags	..
Oils and Turpentine, 5 gallon drums	...	15 drums	..
.. .. 2 ..	...	20 ..	..
.. .. 1 ..	...	50 ..	..
Paints, 56 lb. tins	...	30 tins	..
.. 28 ..	...	50 ..	..
.. 14 ..	...	90 ..	..
Packages, whatever contents, if over 10 cwt.	...	Special.	..
Ploughs, complete, set up	...	4	to ton
Pepper	...	1,200 lbs.	..
Pork, in tierces	...	4 tierces	..
.. in barrels	...	6 barrels	..
Potatoes, in muids	...	12 muids	..
.. in flour barrels	...	8 barrels	..
Rice, in 160 lb. bags	...	13 bags	..
Rope, Coir	...	1,200 lbs., or 40 cub. ft.	..
Salt, in 2 cwt. bags...	...	10 bags	to ton
Skins, Wildebeeste or other large	...	50 skins	..
.. Buck, Sheep, Goat, and similar	...	300 .. or 40 cub. ft.	..
Slates	...	Special.	..
Soap, in $\frac{1}{2}$ -cwt boxes	...	30 boxes	to ton
Sugar, in vacoa bags, not over 1 $\frac{1}{4}$ cwt.	...	16 bags	..
.. crushed, in barrels	...	8 barrels	..
.. .. in half-barrels...	...	12 half-barrels	..
Tar	...	5 brls., 8 $\frac{1}{2}$ -brls.	..
Tea, Caper, 10 catty boxes	...	40 boxes	..
.. chests and half-chests	...	40 cubic feet	..
Wines and Spirits, $\frac{1}{2}$ -aums or octaves	...	8 $\frac{1}{2}$ -aums or octvs.	..
.. .. $\frac{1}{4}$ -casks	...	5 $\frac{1}{4}$ -casks	..
.. .. hlds. or $\frac{1}{2}$ -pipes	...	3 hlds. or $\frac{1}{2}$ -pipes	..
.. .. for larger bulk	...	200 gallons	..
.. .. in dozen cases	...	25 cases	..

Increasing Civil List.

Wines and Spirits, in quart bottles	...	25 dozen	to ton
" " in pints	...	36 dozen	"
Wool, pressed	...	1s. 9d. per bale.	
" unpressed	...	2s. 6d.	"

Given at Government House, this 3rd day of August,
1863.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 1, 1864.

(Signed) J. SCOTT.

*Law for increasing the Salaries of the Governor and other Officers
named in the Civil List of Her Majesty's Charter.*

WHEREAS, by Her Majesty's Letters Patent, given on the Fifteenth day of July, in the Twentieth year of Her Majesty's Reign, there is provided, in the Civil List thereunto annexed, certain salaries for certain officers therein named, to be paid in such manner as is directed in the said Charter: and whereas, power is given to the Governor of Natal by the said Charter, by any Law to be enacted by him, with the advice of the Legislative Council, to alter or amend all or any of the provisions made by or in virtue of the said Charter: Provided, that in certain cases of alteration, such Law shall be reserved by the said Governor for the signification of Her Majesty's pleasure: and whereas, it is expedient to increase the salaries set forth in the said Charter and fix the same by Law, and in so far to alter the said Charter: Preamble.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. On and after the First day of January, One thousand eight hundred and sixty-four, there shall be payable to Her Majesty, her heirs and successors, out of the revenues arising from taxes, duties, rates, and imposts, or from the waste lands of the Crown in the Colony of Natal, a sum of Two thousand pounds sterling, in addition to the sum already provided in the Civil List of the Charter; which said sum of Two thousand pounds sterling shall be issued by the Treasurer of the said Colony in payment of the salaries of the officers mentioned in the schedule to this Law annexed, and in the proportions therein set forth; which said payments shall be in addition to the respective salaries provided in the said Civil List of Her Majesty's Charter; and shall be made by the said Treasurer in discharge of such warrants as shall from time to time be to him

Annual sum of
£2,000 payable
to Her Majesty
for certain
salaries.

Increasing Civil List.—Supreme Court Law Amendment.

directed, under the hand and seal of the said Governor; and the said Treasurer shall account to Her Majesty, her heirs and successors, for the same, through the Commissioners of the Treasury of the United Kingdom of Great Britain and Ireland, in such manner and form as Her Majesty, her heirs or successors, may direct.

Schedule.

SCHEDULE.

Governor	...	...	£1,800
Colonial Secretary...	...	...	100
Colonial Treasurer	...	...	150
Attorney General	...	...	250
Surveyor General	...	...	50
Secretary for Native Affairs	...	...	150
Total...			£2,000

Given at Government House, this 29th day of January, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 2, 1864.

Law for making further provision for the service of the year 1864.

LAW No. 3, 1864.

(Signed) J. SCOTT.

Law to amend section 12 of Law No. 10, 1857.

Preamble.

· WHEREAS, by the 12th section of Law No. 10, 1857, it was enacted that no Chief Justice or Puisne Judge of the Supreme Court of this Colony should accept or take any other office, place of profit, or emolument within the Colony, and the acceptance of any such other office or place as aforesaid should vacate and avoid such office of Chief Justice or Puisne Judge as the case might be, and the salary thereof should cease accordingly: And whereas, there are certain offices and places to apply to which the provisions of the said enactment would be injurious to the public service;

Supreme Court Law Amendment.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. That any provisional or acting appointment under the ninth section of the said Law No. 10, 1857, or the office of Judge or Commissary, or Acting Judge or Acting Commissary, or the like, in or of the Court of Vice-Admiralty in this Colony, or any office or place not being of pecuniary profit or emolument, shall not be deemed to be or to have been within the provisions of or referred to by the said twelfth section of the said Law No. 10, 1857.

Provisional or acting appointment under § 9 of Law No. 10, 1857, not to be deemed within the provisions of the twelfth section of that Law.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 4, 1864.

(Signed) J. SCOTT.

Law to amend the Law No. 11, 1859.

WHEREAS, it is expedient to make provision for the hearing by a Judge in Chambers of applications for provisional sentence: and whereas, by the first section of the Law No. 11, 1859, it was enacted that the sections twenty-nine and thirty of the Law No. 10, 1857, should, so far as related to proceedings being required to be in open Court, or to two Judges being requisite for a decision, be deemed not to have applied, nor thereafter to apply necessarily to any order, question, matter, or thing other than a final judgment, decree, or sentence in any civil suit pending before the Supreme Court, or than an order having the effect of a final judgment, decree, or sentence in any such last-mentioned suit, or than a judgment or decree in any of what are commonly known as provisional cases, or than an order applied for by way of appeal from any previous order made by a single Judge, and subject to be so appealed from: Provided always, that nothing therein contained should be deemed to lessen as to any subject matter the jurisdiction of the said Supreme Court:

Preamble.
Vide Law 11,
1859, § 1.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Supreme Court Law Amendment.—Borough Boundaries.

Exception in
first section of
Law No. 11,
1859, repealed.

Summons in any
provisional case
may be before
one of the
Judges of the
Supreme Court
at Chambers.

Commencement
of Law.

1. The exception in the said first section of the said recited Law from the enabling powers contained therein of a judgment or decree in any of what are commonly known as provisional cases is, as to future applications, hereby repealed; and any such last-mentioned judgment or decree, provisional case or application, is to be deemed within such enabling powers.

2. The summons in any application authorised by this Law may, in lieu of appearance in the Supreme Court, require, in effect, appearance of any defendant therein before one of the Judges of Her Majesty's Supreme Court of this Colony, at Chambers, in the Court House in Pietermaritzburg, or in any other form to be from time to time directed by any Rule or Order of Court duly made.

3. This Law shall be in operation on and from the first promulgation thereof in the *Government Gazette* after the passing thereof.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 5, 1864.

(Signed) J. SCOTT.

Law to change the Boundaries of Boroughs in Certain Cases.

Preamble.

WHEREAS, it is expedient that all lands granted or hereinafter to be granted by the Lieutenant Governor of Natal to any Borough should be comprised and included within the boundaries of such Borough:

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Power to alter
boundaries of
any borough so
as to include
lands granted by
the Lieutenant
Governor.

Such lands to be
subject to same
Laws and Ordin-
ances as cor-
porate land.

Commencement
of Law.

1. It shall and may be lawful for the Lieutenant Governor from time to time to alter the boundaries of any Borough, and to define the same so as to include within the said Borough any lands granted by the Lieutenant Governor to the body corporate of such Borough.

2. All such lands, when so included, shall become subject to all Laws and Ordinances affecting corporation lands.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

Public Telegrams.

LAW No. 6, 1864.

(Signed) J. SCOTT.

Law for securing Precedence to Public Telegrams.

WHEREAS the public interests require that messages and communications on Her Majesty's Service should be entitled on all and every line of electric telegraph to precedence of any other messages and communications :

Preamble.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. So much of the Law No. 11, 1863, entitled " Law for the " Construction and Regulation of Electric Telegraphs," as is repugnant to or inconsistent with the provisions of this Law, is hereby repealed.

So much of Law No. 11, 1863, repugnant or inconsistent to this Law is repealed.

2. The Lieutenant Governor shall and may nominate officers in Her Majesty's service or employment of the degree, rank, and station, to be from time to time specified in a list which shall be published in the *Government Gazette*, and furnished to the various electric telegraph offices in the Colony, to send or transmit messages on Her Majesty's service per lines of electric telegraph.

List of the officers nominated to send or transmit messages to be published in the " Government Gazette."

3. If any officer so nominated as aforesaid requires any electric telegraph company to transmit any message on Her Majesty's service, such message shall, notwithstanding anything contained in Law No. 11, 1863, have priority over all other messages, and the company shall, as soon as reasonably may be, transmit the same, and shall, until transmission thereof, suspend the transmission of all other messages : Provided always, that no private messages shall be suspended when in course of transmission except when specially directed by the officer requiring said official message to be transmitted.

Government messages to have in transmission priority over all other messages.

4. Any company, or any person or persons, refusing to grant such precedence as aforesaid to any message or communication on Her Majesty's service when called upon so to do, shall, for every such act of refusal, be liable to the payment of a fine not exceeding one hundred pounds, and in default of payment thereof to imprisonment for any period not exceeding six months.

Penalty for refusing such precedence to Government messages.

5. All contraventions of this Law shall be prosecuted by indictment by the Attorney General at the suit of the Queen, in the usual manner before the Supreme or any Circuit Court, and all penalties imposed by this Law may be sued for and recovered by the Attorney General at the instance of the Queen before the Supreme or any Circuit Court thereof.

Contraventions of this Law, how to be prosecuted.

6. All fines imposed by this Law shall be paid to Her Majesty, her heirs and successors, and, unless remitted, shall be applied to the uses of the Government of this Colony.

Fines, how disposed of.

7. The word " Company " shall mean and include any person or persons authorised under Law No. 11, 1863, to construct a line of electric telegraph.

Interpretation of the word, " Company."

Vide Law 11, 1863.

*Public Telegrams.—Mortgages on Leases.*Commencement
of Law.

8. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 7, 1864.

(Signed) J. SCOTT.

Law to amend the Law No. 10, 1863.

Preamble.

Vide Law 10,
1863.

WHEREAS it is expedient to amend in certain respects the Law No. 10, 1863, enacted "To declare the Law in regard to Leases and "Mortgage Bonds on Leases":

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Eleventh section
of Law 10, 1863,
repealed.

Lease or mort-
gage thereof
executed before
such Law may be
registered.

1. The eleventh section of the said Law No. 10, 1863, is, without prejudice to any previous registration thereunder, hereby repealed; and, in lieu thereof, it is hereby enacted that any lease or sub-lease executed before the taking effect of the said Law No. 10, 1863, or any mortgage on or of the same or any part thereof respectively, may be registered under the said Law equally as if such lease or sub-lease had been executed after the commencement in effect of the said Law: Provided always that, irrespectively of registration and its effects nothing herein, or in the said Law No. 10, 1863, contained, shall be deemed to give or take away any validity to or from any lease or sub-lease or mortgage on or of the same or any part thereof respectively, such lease, sub-lease, or mortgage having been executed respectively before the taking effect of the said Law No. 10, 1863.

Percentage under
§ 13 of Law No.
10, 1863, one-
third of whole
term of lease.

2. With reference to any registration to be hereafter effected under the said Law No. 10, 1863, or this Law, of any lease or sub-lease, the period in reference to which the percentage imposed by the thirteenth section of the said Law No. 10, 1863, shall be calculated, shall be one-third of the whole period or term for which the said lease or sub-lease shall have been made, and including, therefore, any such portion of the said period or term as may at the time of registration have elapsed: Provided always that, if the rent reserved in or by any lease or sub-lease be not uniform, or not the same for each year, the average yearly rent during the first one-third of the period or term aforesaid may be taken for the purpose of the calculation of the percentage aforesaid.

Mortgages on Leases.—Glandered Horses.

3. Any first or subsequent cession or assignment of any lease or sub-lease registered under the said Law No. 10, 1863, or this Law, or of any part of the interest in such registered lease or sub-lease, shall not, upon or for registration, be subject to the percentage imposed by the said thirteenth section of the said Law No. 10, 1863, but every such registration of a cession or assignment shall be subject to a charge of ten shillings, payable to the Registrar of Deeds.

Cession of lease not subject to percentage under § 13 of Law No. 10, 1863, but to a charge of 10s.

4. When any fine or purchase price, or money or money's worth, shall be paid or payable, or allowed or to be allowed, or the like, for or in respect of the making of any lease or sub-lease, or of any first or subsequent cession or assignment, or of any interest in any lease or sub-lease, there shall, in addition to any sums payable upon or for registration under the said Law No. 10, 1863, or this Law, be payable by the lessee or sub-lessee or assignee, whether there shall or shall not be such or any registration in the office of the Registrar of Deeds, a duty of four per cent. upon the amount of such fine price or money or money's worth; and the provisions of the several sections of the Law No. 5, 1860, hereinafter specified, shall be as nearly as may be, respectively applicable to and in respect of, or in any way in reference to, the duty by this section made payable, that is to say—sections eight, nine (save as to donations), ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen (save as to change of proprietors), eighteen, twenty-two, and twenty-three: Provided always that, for the purpose of so applying the said Law No. 5, 1860, the terms used therein connected with purchase and sale and transfer respectively may be supplied by terms more properly applicable to leasing or sub-leasing, or ceding or assigning, or registering, as the case may be.

When fine or purchase price payable, 4 per cent. duty to be paid.

Vide Law 10, 1863, § 13.

Vide Law 5, 1860, §§ 8-19, and 22, 23.

5. This Law shall be in operation on and from the first promulgation thereof in the *Government Gazette* after the passing thereof.

Commencement of Law.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 8, 1864.

(Signed) J. SCOTT.

Law to Prevent the Spread of the Horse Disease called Glanders.

WHEREAS it is expedient to prevent the spreading of the contagious or infectious disease called glanders among horses in Natal;

Preamble.

Glandered Horses.

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Penalty for permitting a glandered horse to go from and out of stable, kraal, or other enclosure.

1. Every animal which shall have, or be commonly deemed and taken to have the disease called the glanders, or the usual symptoms of the said disease, shall by the owner be kept shut up in some stable, kraal, or other complete enclosure ; and in case any such animal shall be permitted and allowed by the wilful neglect of said owner to be or go from and out of such enclosure as aforesaid unless in the actual and immediate charge of some person conducting the same the said owner shall upon conviction thereof incur and become liable to a penalty not exceeding five pounds and not less than one pound, and in default of payment suffer imprisonment for any period not exceeding one month.

Penalty for riding, leading, or driving, or conducting any glandered horse, unless for the reasons stated.

2. Any person, whether the owner of any such animal as aforesaid or not, who shall ride, lead, or drive, or otherwise conduct any such animal upon or along any public road, street, or thoroughfare, or into any common pasture land or any outspan place, shall incur and become liable to a penalty not exceeding five pounds and not less than one pound, and in default of payment thereof to imprisonment for any period not exceeding one month, unless he shall prove to the satisfaction of the Court before which the case shall be prosecuted that the said animal was at the time and place charged in the act of being conducted to some particular place for the purpose of being examined or treated for the sickness or disease under which it may be labouring, or in the act of returning from some such place, or otherwise, that the said animal having first exhibited the symptoms of the said disease when absent from the owner's place or residence, and at the time or place charged, was in the act of returning or being conducted to the owner's or some other place in order to be duly secured and taken care of.

Glandered horses, if found not in the charge of any person, may be sent to nearest pound to be kept isolated from every other horse.

3. It shall and may be lawful for any person who shall find such animal as aforesaid not in charge of any person, in or upon any public road, street, or thoroughfare, or on common pasture land or outspan place or running loose upon the place or ground of such person, to send the same to the nearest pound with a written charge of said animal being suspected of glanders, and to receive mileage for same, and the Poundmaster shall keep such animal isolated from every other, and immediately report to the Resident Magistrate of the County or Division in which such pound shall be situated.

Poundmaster to report to Resident Magistrate.

Glandered horse, if found not in the charge of any one, to be reported to Resident Magistrate or Fieldcornet.

4. It shall and may be lawful for any person who shall find any such animal as aforesaid in or upon any unenclosed place, road, street, thoroughfare, outspan place, or common pasture, not being in the charge of any one, to report the same to the Resident Magistrate or to the Fieldcornet of the ward in which such animal shall be so found, and such Fieldcornet shall thereupon within twenty-four hours remove said animal (if capable of being so removed) to the nearest pound, receiving mileage for the same, there to be by the Poundmaster kept isolated and fed until receiving the directions of the Resident Magistrate regarding the disposal of such animal ; and the said Fieldcornet shall forthwith report to the Resident Magistrate having jurisdiction in such ward,

Fieldcornet to remove the animal to nearest pound.

Glandered Horses.

5. The Resident Magistrate to whom a report shall be made as required by either of the two last preceding sections shall forthwith cause such animal to be duly examined by such person or persons in said locality as shall have been specially appointed for such purpose by the Lieutenant Governor, or, in the event of no such appointment having been made, then by any three uninterested and competent men to be nominated by said Resident Magistrate, and if upon such examination such animal shall be declared upon oath to be in their opinion glandered, and that it is expedient to at once destroy the same, then said Resident Magistrate may issue his order accordingly, and after all marks of recognition are duly taken and entered in a book to be kept for said purpose by the Poundmaster, said animal may be destroyed whether the owner be known or not.

Glandered horse, when impounded, to be destroyed.

6. The owner of any such diseased animal which shall be found at large and unsecured as described in sections three and four of this Law, who shall be proved to have known, or to have been informed that such animal was glandered or suspected to be so, and who shall have refused to isolate and secure such animal as required by section one of this Law, or to destroy and bury such animal, shall, upon conviction, be liable to a fine not exceeding ten pounds, and to pay all expenses incurred through or by the proceedings had in respect to such animal as by this Law provided, whether judicial or otherwise.

Owner of diseased animal liable to a fine and expenses, when proved not to have taken the necessary precautions.

7. Where the owner of any such animal as aforesaid shall be known, and it is not declared glandered, then such owner shall have notice within forty-eight hours of said impounding or so soon thereafter as may be practicable, and such owner may then have such animal restored to him free of any charge; and all charges for keeping and feeding such animal or for its examination as hereinbefore directed shall in the first instance be defrayed out of the public treasury.

Impounded horse declared not glandered to be restored to owner free of charge.

8. If upon hearing before the Resident Magistrate it shall be proved that the impounding of any animal as aforesaid was falsely and maliciously done for the purpose of harassing and injuring the owner, the person impounding the same shall be liable to a fine not exceeding ten pounds, or in default of payment to imprisonment for any period not exceeding one month, and to refund all such costs and expenses as shall have been justly incurred in consequence of such impounding and investigation had upon such animal as hereinbefore directed.

Penalty for falsely and maliciously impounding any animal as diseased.

9. All animals dying of glanders, or destroyed either by the owner by his consent, or destroyed upon being declared glandered, shall be immediately buried and well covered up, by or at the expense of the owner, and every person, whether Poundmaster, owner, or other person whose duty it shall be to bury such dead animal, and who shall refuse or neglect to do so, shall be liable upon conviction to a fine not exceeding ten pounds, and to have said animal buried at his expense by order of the Resident Magistrate.

Animals dying of glanders, or destroyed as glandered, to be buried at the expense of owner.

Penalty for refusing to bury such dead animal.

10. Any Poundmaster who shall be found guilty of having contravened section three or four of this Law, in not keeping isolated any horse or other animal sent to the pound (or if otherwise im-

Penalty for poundmaster contravening sections 3 or 4 of this Law.

Glandered Horses.—Fraudulent Marking of Merchandise.

pounded), suspected or declared to be glandered, until disposed of as hereinbefore provided, shall be liable on conviction to a penalty not exceeding five pounds.

Hotelkeepers permitting a diseased animal to be stabled, or who shall fail to purify and clean such stable, to be liable to a penalty of £5.

11. Any accommodation house or hotel keeper who shall knowingly stable or permit the stabling of any horse, mule, or other animal which shall be glandered or declared to be suspected of glanders, or who shall after having stabled such animal discover that it was glandered, neglect properly to purify and clean such stable and manger therein according to regulations to be fixed by Proclamation of the Lieutenant Governor, or who shall stable a horse or other animal of any visitor with any glandered animal in the same room, or without previously purifying such stable and manger as aforesaid, shall upon conviction before the Resident Magistrate be liable to a penalty not exceeding five pounds.

Fines how disposable.

12. All fines imposed by this Law shall be paid to Her Majesty, her heirs and successors, and unless remitted shall be applied to the uses of the Government of this Colony, provided that in any case the Court may direct and award any portion not exceeding one-half of said fine to any person or persons who may have given such information as may have led to the conviction of any offender.

Contraventions of this Law, in what Court cognizable.

13. All contraventions of this Law shall be cognizable in any Court of any Resident Magistrate of any County or Division in which the offender shall be found, or where the offence shall have been committed.

Interpretation of the word, "animal."

14. The word "animal" used in this Law shall, for the purposes of the said Law, be taken to mean and include any horse, mare, mule, donkey, or foal.

Commencement of Law.

16. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 9, 1864.

(Signed) J. SCOTT.

Law to declare the Law relating to the Fraudulent Marking of Merchandise.

Preamble.

WHEREAS it is expedient to declare the Law relating to the Fraudulent Marking of Merchandise, and to the Sale of Merchandise falsely marked, for the purpose of fraud; and to assimilate the Law in Natal to the Law which prevails in the United Kingdom of Great Britain and Ireland;

Fraudulent Marking of Merchandise.

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. Every person who, with intent to defraud, or to enable another to defraud, any person, shall forge or counterfeit, or cause or procure to be forged or counterfeited, any trade mark, or shall apply, or cause or procure to be applied, any trade mark, or any forged or counterfeited trade mark, to any chattel or article, not being the manufacture, workmanship, production, or merchandise, of any person denoted or intended to be denoted by such trade mark, or denoted or intended to be denoted by such forged, or counterfeited trade mark, or not being the manufacture, workmanship, production, or merchandise of any person whose trade mark shall be so forged or counterfeited, or shall apply, or cause or procure to be applied, any trade mark, or any forged or counterfeited trade mark, to any chattel or article, not being the particular or peculiar description of manufacture, workmanship, production, or merchandise denoted, or intended to be denoted, by such trade mark, or by such forged or counterfeited trade mark, shall be guilty of the crime of falsity : And every person so committing such crime of falsity shall also forfeit to Her Majesty every chattel and article belonging to such person to which he shall have so unlawfully applied, or caused or procured to be applied, any such trade mark, or forged or counterfeited trade mark as aforesaid ; and every instrument in the possession or power of such person, and by means of which any such trade mark, or forged or counterfeited trade mark as aforesaid, shall have been so applied, and every instrument in the possession or power of such person for applying such trade mark, or forged or counterfeited trade mark as aforesaid, shall be forfeited to Her Majesty ; and the Court, before which any such person accused of such crime of falsity shall be tried, may order such forfeited articles as aforesaid to be destroyed, or otherwise disposed of, as such Court may think fit.

Persons forging
trade mark
guilty of falsity.

Articles to be
forfeited, or
otherwise dis-
posed of.

2. Every person who, with intent to defraud, or to enable another to defraud, any person, shall apply, or cause or procure to be applied, any trade mark, or any forged or counterfeited trade mark, to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing in, on, or with which any chattel or article shall be intended to be sold, or shall be sold, or uttered, or exposed for sale, or intended for any purpose of trade or manufacture, or shall enclose or place any chattel or article, or cause or procure any chattel or article to be enclosed, or placed in, upon, under, or with any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, to which any trade mark shall have been falsely applied, or to which any forged or counterfeited trade mark shall have been applied, or shall apply, or attach, or cause or procure to be applied or attached to any chattel or article, any case, cover, reel, ticket, label, or other thing to which any trade mark shall have been falsely applied, or to which any forged or counterfeited trade mark shall have been applied, or shall enclose, place, or attach any chattel or article, or cause or procure any chattel or article to be enclosed, placed, or attached in, upon, under, with, or to any cask,

Persons applying
any trade mark
with intent to
defraud guilty of
falsity, and
articles forfeited.

Fraudulent Marking of Merchandise.

bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing having thereon any trade mark of any other person shall be guilty of the crime of falsity, and every person so committing such crime of falsity shall also forfeit to Her Majesty every such chattel and article, and also every such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing as aforesaid, in the possession or power of such person, and every other similar cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing made to be used in like manner as aforesaid, and every instrument in the possession or power of such person, and by means of which any such trade mark, or forged or counterfeited trade mark as aforesaid shall have been applied, and also every instrument in the possession or power of such person for applying any such trade mark, or forged or counterfeited trade mark, as aforesaid, shall be forfeited to Her Majesty, and the Court before which any such person shall be tried may order such forfeited articles as aforesaid to be destroyed, or otherwise disposed of, as such Court may think fit.

Persons knowingly selling articles with forged trade marks to forfeit the price of the articles, and further, not more than £5 or less than 10s.

3. Every person who, after the thirty-first day of December, One thousand eight hundred and sixty-four, shall sell, utter, or expose either for sale or for any purpose of trade or manufacture, or cause or procure to be sold, uttered, or exposed for sale or other purpose as aforesaid any chattel or article, together with any forged or counterfeited trade mark, which he shall know to be forged or counterfeited, or together with the trade mark of any other person; applied or used falsely, or wrongfully, or without any lawful authority or excuse, knowing such trade mark of another person to have been so applied or used as aforesaid, and that whether any such trade mark, or forged or counterfeited trade mark as aforesaid, together with any such chattel or article, shall be sold, uttered, or exposed for sale or other purpose as aforesaid, shall be in, upon, or about, or with such chattel or article, or in, upon, about, or with any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, in, upon, about, or with such chattel or article shall be so sold, or uttered, or exposed for sale or other purpose as aforesaid, shall for every such offence forfeit and pay to Her Majesty a sum of money equal to the value of the chattel or article so sold, uttered, offered, or exposed for sale, or other purposes as aforesaid, and a further sum not exceeding five pounds, and not less than ten shillings.

Addition and alteration, &c., deemed forging, &c.

4. Every addition to and every alteration of, and also every imitation of any trade mark which shall be made, applied, or used with intent to defraud, or to enable any other person to defraud or which shall cause a trade mark with such alteration or addition as shall cause such imitation of a trade mark to resemble any genuine trade mark so or in such manner as to be calculated or likely to deceive shall be, and be deemed to be, a false, forged, and counterfeited trade mark within the meaning of this Law, and the act of making, applying, or otherwise using any such addition or alteration of a trade mark or any such imitation of a trade mark as aforesaid done by any person with intent to defraud or to enable

Fraudulent Marking of Merchandise.

any other person to defraud, shall be and be deemed to be forging and counterfeiting a trade mark within the meaning of this Law.

5. When any person who, at any time after the thirty-first day of December, One thousand eight hundred and sixty-four, shall have sold, uttered, or exposed for sale or other purpose as aforesaid, or shall have caused or procured to be sold, uttered, or exposed for sale or other purpose as aforesaid any chattel or article, together with any forged or counterfeited trade mark, or together with the trade mark of any other person used without lawful authority or excuse as aforesaid, and that whether such trade mark or such forged or counterfeited trade mark as aforesaid be in, upon, about, or with, such chattel or article, or in, upon, about, or with any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing in, upon, about, or with which such chattel or article shall have been sold or exposed for sale, such person shall be bound upon demand in writing delivered to him or left for him at his last known dwelling-house, or at the place of sale or exposure for sale by or on the behalf of any person whose trade mark shall have been so forged or counterfeited, or used without lawful authority or excuse as aforesaid, to give to the person requiring the same, or to his attorney or agent, within forty-eight hours after such demand, full information in writing of the name and address of the person from whom he shall have purchased or obtained such chattel or article and of the time when he obtained the same, and it shall be lawful for any Resident Magistrate, on information on oath of such demand and refusal made by any person carrying on business or trade within his jurisdiction, to summon before him the party refusing, and on being satisfied that such demand ought to be complied with, to order such information to be given within a certain time, and any such party who shall refuse or neglect to comply with such order shall for every such offence forfeit and pay to Her Majesty the sum of five pounds sterling, and such refusal or neglect shall be *prima facie* evidence that the person so refusing or neglecting had full knowledge that the trade mark together with which such chattel or article was sold, uttered, or exposed for sale or other purpose as aforesaid at the time of such selling, uttering, or exposing, was a forged, counterfeited, and false trade mark, or was the trade mark of a person which had been used without lawful authority or excuse, as the case may be.

6. Every person who, with intent to defraud, or to enable another to defraud, shall put, or cause or procure to be put, upon any chattel or article, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing together with which any chattel or article shall be intended to be or shall be sold, or uttered, or exposed for sale or for any purpose of trade or manufacture, or upon any case, frame, or other thing in or by means of which any chattel or article shall be intended to be or shall be exposed for sale, any false description, statement, or other indication of or respecting the number, quantity, measure, or weight of such chattel or article, or any part thereof, or of the place or country in which such chattel or article shall have been made, manufactured, or

Person who has sold articles with forged marks to give name and address of person from whom he purchased; or, on refusal, to forfeit £5. This refusal to be *prima facie* evidence of complicity.

Any person putting false description on anything to forfeit £5 and the article.

Fraudulent Marking of Merchandise.

produced, or shall put, or cause or procure to be put upon any such chattel or article, cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or thing as aforesaid any word, letter, figure, signature, or mark, for the purpose of falsely indicating such chattel or article, or the mode of manufacturing or producing the same or the ornamentation, shape, or configuration thereof, to be the subject of any existing patent, privilege, or copyright, shall for every such offence forfeit and pay to Her Majesty a sum of money equal to the value of the chattel or article so sold or uttered or exposed for sale, and a further sum not exceeding five pounds and not less than ten shillings.

Or selling any-
thing with false
description to
forfeit £5.

7. Every person who, after the thirty-first day of December, One thousand eight hundred and sixty-four, shall sell, utter, or expose for sale or for any purpose of trade or manufacture, or shall cause or procure to be sold, uttered, or exposed for sale or other purpose as aforesaid any chattel or article upon which shall have been to his knowledge put, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing together with which such chattel or article shall be sold or uttered or exposed for sale or other purpose as aforesaid, shall have been so put, or upon any case, frame, or other thing used or employed to expose or exhibit such chattel or article for sale shall have been so put, any false description, statement, or other indication of or respecting the number, quantity, measure, or weight of such chattel or article or any part thereof or the place or country in which such chattel or article shall have been made, manufactured, or produced, shall for every such offence forfeit and pay to Her Majesty a sum not exceeding five pounds and not less than five shillings.

Not to be con-
strued to mean
that a name
used for describ-
ing an article to
be of a particular
description may
not be applied.

8. Provided always that the provisions of this Law shall not be construed so as to make it any offence for any person to apply to any chattel or article or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing with which such chattel or article shall be sold or intended to be sold, any name, word, or expression generally used for indicating such chattel or article to be of some particular class or description of manufacture only, or so as to make it any offence for any person to sell, utter, or offer or expose for sale any chattel or article to which, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing sold therewith, any such generally used name, word, or expression as aforesaid shall have been applied.

Person aiding,
&c., guilty of
falsity.

9. Every person who shall aid, abet, counsel, or procure the commission of any offence which is by this Law made a falsity shall also be guilty of falsity.

Person guilty of
falsity to be
liable to fine of
£25 and impris-
onment for three
months.

10. Every person who shall be convicted or found guilty of any offence which is by this Law made a falsity shall be liable to a fine not exceeding twenty-five pounds, and to imprisonment for a period not exceeding three calendar months in default of such payment.

Penalty re-
covered in the
Court of Resi-
dent Magistrate,
at the instance
of any person.

11. In every case in which any person shall have committed or done any offence or act whereby he shall have forfeited or become liable to pay Her Majesty any of the penalties or sums of money mentioned in the provisions of this Law, every such penalty or sum

Fraudulent Marking of Merchandise.

of money may be recovered in the Court of the Resident Magistrate having jurisdiction in the County or Division where the party offending shall reside or have any place of business, or in the Court of the Resident Magistrate of the County or Division in which the offence shall have been committed, and the summons for the recovery of any such penalty or sum of money may be issued at the instance of any person, in which proceeding the person so complaining may as plaintiff for or on behalf of Her Majesty commence and prosecute such proceeding.

12. In every case in which judgment shall be obtained in any such action as aforesaid for the amount of any such penalty or sum of money forfeited to Her Majesty, the amount thereof shall be paid by the defendant to the Clerk of the Court, who shall pay over the same on account of Her Majesty, her heirs and successors, and unless said penalties or sums of money shall be remitted, the same shall be applied to the uses of the Government of this Colony, and if the same be not paid may be recovered, or the amount thereof levied in manner prescribed by Ordinance No. 16, 1846, and the plaintiff suing for or on behalf of Her Majesty upon obtaining judgment shall be entitled to recover and have execution for all his costs of suit, which shall include a full indemnity for all costs and charges which he shall or may have expended or incurred in, about, or for the purposes of the action, unless the Resident Magistrate shall direct that the costs of the ordinary amount only shall be allowed.

Penalty to Her Majesty.

Plaintiff to have costs.

13. No action or proceeding for the recovery of any penalty, or no indictment for procuring the conviction of any offender under this Law, shall be commenced or instituted after the expiration of three years next after the committing of the offence or one year next after the discovery thereof by the person proceeding.

No action after three years, or one year after discovery.

14. In every case in which at any time after the thirty-first day of December, One thousand eight hundred and sixty-four, any person shall sell or contract to sell (whether by writing or not) to any other person any chattel or article with any trade mark thereon or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing together with which such chattel or article shall be sold or contracted to be sold, the sale or contract to sell shall in every case be deemed to have been made with a warranty or contract by the vendor to or with the vendee that every trade mark upon such chattel or article or upon any such cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing as aforesaid was genuine and true and not forged or counterfeit and not wrongfully used, unless the contrary shall be expressed in some writing signed by or on behalf of the vendor and delivered to and accepted by the vendee.

Vendor to be responsible to vendee that trade marks are genuine.

15. In every case in which at any time after the thirty-first day of December, One thousand eight hundred and sixty-four, any person shall sell, or contract to sell (whether by writing or not) to any other person any chattel or article upon which, or upon any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing, together with which such chattel or article shall be sold or contracted to be sold, any description, statement, or

Vendor responsible that description on article sold is true.

Fraudulent Marking of Merchandise.

other indication of or respecting the number, quantity, measure, or weight of such chattel or article, or the place or country in which such chattel or article shall have been made, manufactured, or produced, the sale or contract to sell shall in every such case be deemed to have been made with a warranty, or contract by the vendor to or with the vendee, that no such description, statement, or other indication was in any material respect false or untrue, unless the contrary shall be expressed in some writing, signed by or on the behalf of the vendor, and delivered to and accepted by the vendee.

In prosecutions in Supreme or Circuit Courts for forging or applying trade marks, the Court may order the article to be destroyed, and may issue an injunction against the defendant.

16. In every case in any suit in the Supreme or Circuit Court of the Colony, against any person for forging or counterfeiting any trade mark, or for fraudulently applying any trade mark to any chattel or article, or for selling, exposing for sale, or uttering any chattel or article with any trade mark falsely or wrongfully applied thereto, or with any forged or counterfeit trade mark applied thereto, or for preventing the repetition or continuance of any such wrongful act, or the committal of any similar act in which the plaintiff shall obtain judgment against the defendant, the Court shall have power to direct every such chattel or article to be destroyed, or otherwise disposed of, and upon giving judgment for plaintiff may award a writ of injunction or injunctions to the defendant, commanding him to forbear from committing, and not, by himself or otherwise, to repeat or commit any offence or wrongful act of the like nature as that of which he shall be convicted by such judgment; and any disobedience of any such writ of injunction or injunctions shall be punished as contempt of court.

Where any person shall forge or apply any trade mark, every person aggrieved thereby may institute an action for damages.

17. In every case in which any person shall do or cause to be done any of the wrongful acts following (that is to say)—shall forge or counterfeit any trade mark; or for the purpose of sale, or for the purpose of any manufacture or trade, shall apply any forged or counterfeit trade mark to any chattel or article, or to any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing in or with which any chattel or article shall be intended to be sold, or shall be sold or uttered or exposed for sale, or for any purpose of trade or manufacture; or shall inclose or place any chattel or article in, upon, under, or with any cask, bottle, stopper, vessel, case, cover, wrapper, band, reel, ticket, label, or other thing to which any trade mark shall have been falsely applied, or to which any forged or counterfeit trade mark shall have been applied; or shall apply or attach to any chattel or article, any case, cover, reel, wrapper, band, ticket, label, or other thing to which any trade mark shall have been falsely applied, or to which any forged or counterfeit trade mark shall have been applied; or shall inclose, place, or attach any chattel or article in, upon, under, with, or to any cask, bottle, stopper, vessel, case, cover, reel, wrapper, band, ticket, label, or other thing having thereon any trade mark of any other person. Every person aggrieved by any such wrongful act shall be entitled to maintain an action or suit for damages, in respect thereof, against the person who shall be guilty of having done such act, or causing or procuring the same to be done, and for preventing the repetition or continuance of the wrongful act, and the committal of any similar act.

Fraudulent Marking of Merchandise.—Limited Liability Law.

18. In every action in which any person shall under the provisions of this Act commence as plaintiff for or on behalf of Her Majesty for recovering any penalty or sum of money, if the defendant shall obtain judgment, he shall be entitled to recover his costs of suit, which shall include a full indemnity for all costs, charges, and expenses by him expended or incurred in, about, or for the purposes of the action, unless the Resident Magistrate shall direct that costs of the ordinary amount only shall be allowed.

In prosecutions for any penalty under this Act, if defendant shall obtain judgment he shall be entitled to costs and an indemnity.

19. In any action in which any person shall under the provisions of this Act commence as plaintiff for or on behalf of Her Majesty for recovering any penalty or sum of money, if it shall be shown to the satisfaction of the Resident Magistrate that the person suing as plaintiff for or on behalf of Her Majesty has no ground for alleging that he has been aggrieved by the committing of the alleged offence in respect of which the penalty or sum of money is alleged to have become payable, and also that the person so suing as plaintiff is not resident within the jurisdiction of the Court, or not a person of sufficient property to be able to pay any costs which the defendant may recover in the action, the Resident Magistrate shall or may order that the plaintiff shall give security by the bond or recognisance of himself and a surety, or by the deposit of a sum of money or otherwise, as the Court or Judge shall think fit, for the payment to the defendant of any costs which he may be entitled to recover in the action.

Plaintiff suing for penalties may be ordered to give security for the defendant's costs.

20. Any person committing an offence declared by this Law to be falsity shall be prosecuted by indictment by the Attorney General, at the suit of Her Majesty the Queen, in the usual manner before the Supreme or any Circuit Court, and all fines imposed by this Law for the crime of falsity shall be paid to Her Majesty, her heirs and successors, and, unless remitted, shall be applied to the public uses of the Colony.

Persons guilty of falsity under this Law to be prosecuted by the Attorney General in the usual manner.

21. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1864.

(Signed) J. SCOTT.

Law to Limit the Liability of Members of certain Joint-Stock Companies.

WHEREAS it is expedient to enable members of certain Joint-Stock Companies to limit the liabilities for the debts and engagements of such companies to which they are, or may be, subject: Preamble.

Limited Liability Law.

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Meaning of
"Joint-stock
Company."

Not to apply to
banks.

Conditions upon
which future
Joint-stock Com-
panies may
obtain a certifi-
cate of registra-
tion with limited
liability.

1. The term "Joint-Stock Company" in this Law shall mean every partnership whereof the capital is divided, or agreed to be divided, into shares, and so as to be transferable without the express consent of all the partners ; and also every partnership which at its formation, or by subsequent admission, shall consist of more than ten members : Provided, however, that nothing in this Law contained shall apply to any joint-stock company formed for the purpose of banking.

2. Any joint-stock company may obtain a certificate of registration, with limited liability, from the Registrar of Deeds of the Colony, upon complying with the conditions following, that is to say :

1. The directors, or provisional directors, shall in their application to the Registrar of Deeds for such registration, state that such company is to be formed with limited liability.
2. The word "limited" shall be the last word of the name of the company.
3. The deed of settlement shall contain a statement to the effect that the company is formed with limited liability.
4. The deed of settlement shall be executed by shareholders, not less than ten in number, holding shares to the amount in the aggregate of not less than three-fourths of the nominal capital of the company, and there shall have been paid up by each of such shareholders on account of his shares, not less than five pounds per centum.
5. The payment of the above percentage shall be acknowledged in, or endorsed on, the deed of settlement, and the fact of the same having been *bonâ fide* so paid, shall be verified by a declaration of the directors, or provisional directors, or any two of them, made before a Justice of the Peace, and a true copy of such deed of settlement and of the names of all the persons who shall at the time the company applies for a certificate of registration with limited liability hold shares in the company, with their places of residence and the number of shares held by each, attested as such true copy by a declaration of the directors or provisional directors, or any two of them, made before a Justice of the Peace, shall be lodged with the Registrar of Deeds to be kept by him for future reference.

And upon such conditions being complied with, any such other matters and things done, the Registrar of Deeds shall grant a certificate of registration with limited liability to any such company.

Limited Liability Law.

3. Any joint-stock company, except as aforesaid, already established, may obtain a certificate of registration, with limited liability, in manner and subject to the conditions following, that is to say:—The directors of such company may, with the consent of not less than three-fourths in number and value of its shareholders who may be present personally or by proxy (where proxies are allowed by the deed of settlement) at any general meeting summoned for that purpose, by a notice of not less than six weeks in the *Government Gazette*, and in some one or more papers published at the place, or if there is no paper published thereat, in some one or more papers published in the town or village nearest to the place where the business of such company is carried on, make such alteration in the name, the amount of capital paid up, and in the deed of settlement of the company generally, as may be necessary for enabling it to comply with the conditions hereinbefore mentioned with respect to joint-stock companies seeking to obtain certificates of registration with limited liability; and upon compliance with such conditions, the Registrar of Deeds shall grant to such company, by its new name, a certificate of registration with limited liability, and thereupon all privileges and obligations hereby attached to companies with limited liability, their shareholders, directors, and officers, shall attach to the company named in such certificate, its shareholders, directors, and officers.

Conditions upon which Joint-stock Companies already established may obtain certificates.

4. Every company that has obtained a certificate of registration with limited liability, shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name engraved in legible characters on its seal, and shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of such company, and in all bills of exchange, promissory notes, cheques, orders for money, bills of parcels, invoices, receipts, letters, and other writings used in the transaction of the business of the company.

Company having obtained certificate, to keep its name painted outside place of business, and mentioned in all notices and advertisements.

5. If such company do not paint or affix, or keep painted or affixed, its name in the manner aforesaid, each of the directors thereof shall be liable to a penalty not exceeding five pounds for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed; and if any director or other officer of the company, or any person on its behalf, use any seal purporting to be a seal of the company, whereon its name is not so engraved as aforesaid, or issue or authorise the issue of any notice, advertisement, or other official publication of such company, or of any bill of exchange, promissory note, cheque, order for money, bill of parcels, invoice, receipt, letter, or other writing used in the transaction of the business of the company, wherein its name is not mentioned in the manner aforesaid, he shall be liable to a penalty of twenty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money, for the amount thereof, unless the same shall be duly paid by the company.

Penalties for default thereof.

6. No increase to be made in the nominal capital of any company that has obtained a certificate of registration with limited liability

Every increase of nominal capital to be registered.

Limited Liability Law.

shall be advertised or otherwise treated as part of the capital of such company until it has been registered with the Registrar of Deeds; and no such registration shall be made unless a deed is produced to the Registrar, executed by shareholders holding shares to the amount in the aggregate of at least three-fourths of the proposed increased capital of the company, nor unless it is proved to the Registrar by such acknowledgment and declaration as hereinafter mentioned, that upon each of such shares there has been paid up by the holder thereof an amount of not less than five pounds per centum; and if any such increase of capital as aforesaid be advertised or otherwise treated as part of the capital of the company before the same has been so registered, every director of such company shall incur a penalty of fifty pounds; and the payment of the above percentage shall be acknowledged in or endorsed on the deed so produced, and the fact of the same having been *bond fide* so paid shall be verified by a declaration of the directors, or any two of them, made before a Justice of the Peace.

Penalty for failure therein.

Copy of every new or supplementary deed of settlement to be transmitted to Registrar of Deeds.

Return to be made to Registrar of Deeds twice a year of all transfers of shares.

7. Within one month after the date of any new or supplementary deed of settlement which may at any time or times during the continuance of any joint-stock company which has obtained a certificate of registration with limited liability under this Law, there shall be transmitted by the directors of every such company to the Registrar of Deeds a true copy of such new or supplementary deed of settlement, attested as such true copy in the manner aforesaid, and to be kept for future reference as aforesaid: And in the months of January and July in every year the directors of every such joint-stock company, which has obtained a certificate of registration with limited liability shall make or cause to be made the following return to the Registrar of Deeds, namely:

A return according to the schedule hereunto annexed, and containing the particulars therein set forth of every transfer of any share in such company which shall have been made in the share transfer list or book kept by the said company since the preceding half-yearly return, or, in the case of the first of such returns made by such company, since the registration thereof as aforesaid by the Registrar of Deeds, and also of the changes in the names of all shareholders of such company whose names shall have been changed by marriage or otherwise since the last preceding half-yearly return, or since the registration of the company by the Registrar of Deeds, as the case may be.

Penalty for failure.

Return to be made to Resident Magistrate in any other county but Pietermaritzburg.

And if within any such period any such return be not made, then every director of such company shall be liable to a fine not exceeding twenty pounds: Provided that if any joint-stock company which has obtained its certificate as aforesaid shall have its chief place of business in any County or Division of the Colony other than Pietermaritzburg and the County or Division thereof, then a true copy of the aforesaid return, attested as such true copy in the manner aforesaid, shall, besides being transmitted to the Registrar of Deeds, be transmitted to the Resident Magistrate of such County

Limited Liability Law.

or Division ; and, in case such return shall not be transmitted in the months aforesaid, every director of the company so failing to make such return shall be liable to a fine not exceeding twenty pounds.

Penalty.

8. If at any time any party to a transfer of a share request in writing the directors of any such company to make a return thereof, then forthwith on such request the directors shall make the same accordingly : Provided, however, that the directors may require the party making such request to defray any expense they may be put to in making the return aforesaid.

Any party to a transfer of share may request directors to make return forthwith.

9. Every person shall be at liberty to inspect the returns, deeds, registers, and indexes which shall be made to or kept by the said Registrar of Deeds and Resident Magistrates in pursuance of the provisions of this Law ; and there shall be paid for such inspection such fees as may from time to time be appointed by the Lieutenant Governor, with the advice and consent of the Executive Council, in that behalf, not exceeding one shilling for each such inspection ; and any person shall be at liberty to require a copy or extract of any such return or deed, to be certified by the said Registrar of Deeds ; and there shall be paid for such certified copy or extract such fee as the Lieutenant Governor, with the advice and consent of the Executive Council, may from time to time appoint in that behalf, not exceeding ninepence for each folio of such copy or extract ; and that in all courts of the Colony every such copy or extract, so certified, shall be received in evidence, without proof of the signature thereto or of the seal of office affixed thereto.

Any person may inspect or request certified copy of returns, deeds, and registers on payment of a fee.

10. Every company shall, on being registered or on receiving a certificate of registration with limited liability, pay to the Registrar of Deeds the following sums :

Fees to be paid to Registrar of Deeds by companies registered.

When the nominal capital shall be five thousand pounds or under, the sum of ten pounds.

When the nominal capital shall be above five thousand and not exceeding twenty thousand pounds, the sum of twenty pounds.

When the nominal capital shall be above twenty thousand pounds, the sum of thirty pounds.

11. The members of any joint-stock company which has so obtained a certificate of registration with limited liability, after such certificate is granted, shall not be liable (any Law to the contrary notwithstanding) under any judgment, decree, or order which shall be obtained against such company, or for any debt or engagement of such company, further or otherwise than is hereinafter provided.

Members of registered Joint-stock Companies not to be liable, except as herein provided.

12. If any execution or other process in the nature of execution shall have been issued against the property or effects of any shareholder for the time being, and there cannot be found sufficient whereon to levy or enforce such execution or other process, then such execution or other process may be issued against any former holder or holders of the shares held by such shareholder for the time being for such amount as such shareholder for the time being shall have failed to pay in satisfaction of the execution or other process in the nature of execution issued : Provided, however, that

Former shareholders in some cases liable to execution.

Limited Liability Law.

Must have been shareholders at date of contract sued upon, or while it was unsatisfied.

Not liable after two years from return of transfer of shares.

Directors declaring dividends after insolvency of company liable severally for all the debts of the company, but not beyond amount of dividend.

Note by shareholder to company not to be considered as payment of money due on any share.

Registration of existing companies not to affect liabilities previously incurred.

Nor change of name under this Law.

nothing herein contained shall be taken to render any such former holder or holders of shares aforesaid liable for any larger amount than he or they would have been liable for under the provisions of this Law if he or they had been, at the time of the issuing of such execution or other process in the nature of execution, the holder or holders of such shares : Provided also, that in the case of execution against any former shareholder, such shareholder shall have been a shareholder at the time when such contract or engagement for which such judgment, decree, or order may have been obtained was entered into, or became a shareholder during the time such contract or engagement was unexecuted or unsatisfied, or was a shareholder at the time of the judgment, decree, or order being obtained : Provided, further, that in no case shall execution be issued on such judgment, decree, or order against the person, property, or effects of any such former shareholder, after the expiration of two years next after the return of the transfer of the shares of the person or persons sought to be charged shall have been made to the Registrar of Deeds, as provided in sections seven and eight of this Law.

13. If the directors of any such company shall declare and pay any dividend when the company is known by them to be insolvent, or any dividend the payment of which would to their knowledge render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted, so long as they shall respectively continue in office : Provided that the amount for which they shall be so liable shall not exceed the amount of such dividend, and that if any of the directors shall be absent at the time of making the dividend, or shall object thereto, and shall file their objection, in writing, with the clerk of the company, they shall be exempted from the said liability.

14. No note or obligation given by any shareholder to the company whereof he is a shareholder, whether secured by any pledge or otherwise, shall be considered as payment of any money due from him on any share held by him.

15. Where any company established previous to the taking effect of this Law shall obtain a certificate of registration with limited liability, the grant of such certificate shall not prejudice or affect any right which previously to the grant of such certificate has accrued to any creditor or other person against the company in its corporate capacity, or against any person then being or having been a member of such company, but every such creditor or other person shall be entitled to all such remedies against the company in its corporate capacity, and against every person then being or having been a member of such company, as he would have been entitled to in case such certificate had not been obtained.

16. No alteration made by virtue of this Law in the name of any company shall prejudice or affect any right which previously to such alteration has accrued to such company as against any other company or person, or which has accrued to any other company or person as against such company : But every such company as against any other company or person, and every other company or

Limited Liability Law.

person as against such company, and the members thereof shall be entitled to all such remedies as they or he would have been entitled to if no such alteration had been made, and no such alteration shall abate or render defective any legal proceeding pending at the time when such alteration is made.

17. This Law may be cited for all purposes as "The Joint-Stock
"Companies' Limited Liability Law, 1864." Short title.

18. This Law shall commence and take effect on and after the
promulgation thereof in the *Government Gazette*, Commencement
of Law.

SCHEDULE.

(See Sections 7 and 8.)

*Return made pursuant to the "Joint-Stock Companies' Limited
Liability Law, 1864."*

TRANSFER OF SHARES.

Name of the Company.	Business or Purpose.	Place (or prin- cipal place if more than one) of Business.	Name and place of Abode of Per- son by whom Transfer is made.	Name and place of Abode of Per- son to whom Transfer is made.	Distinctive Number of Shares Trans- ferred.	Date of Transfer.

Limited Liability Law.

Return made pursuant to the "Joint-Stock Companies' Limited Liability Law of 1864."

**SHAREHOLDERS WHOSE NAMES HAVE BECOME CHANGED BY
MARRIAGE OR OTHERWISE.**

Former Name.	Former place of abode.	Present Name.	Present place of abode.	Distinctive number of Shares.

Date _____

Signature _____

Given at Government House, this 16th day of September,
1864.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 11, 1864.

(Law for Relieving Certain Persons from the Operation of Native Law.)

Repealed by Law No. 28, 1865, § 1.

Disposition of Immoveable Property by Natives.

LAW No. 12, 1864.

(Signed) J. SCOTT.

Law to enable certain Natives to dispose of Immoveable Property and to regulate the Devolution of Immoveable Property in cases of Intestacy.

WHEREAS it is expedient to empower Natives subject to the operation of Native Law to devise and bequeath any immoveable property which they may possess or be entitled to, and to provide for the devolution or descent of immoveable property, owned or enjoyed by Natives subject to the operation of Native Law, in case of the intestacy of such Native :

Preamble.

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. Any native subject to the operation of Native Law may, by will or codicil in writing, devise, bequeath, or dispose of any immoveable property which he shall be the owner of, or possess, or be entitled to, as he shall think fit, and such will or codicil shall be executed in manner hereinafter mentioned, that is to say, it shall be drawn up and prepared by the Secretary of Native Affairs, or the person administering Native Law over any such native, or by any person appointed in that behalf by the Lieutenant Governor, and such will shall be read over and explained by the person preparing the same to the testator in the presence of two witnesses, and such will shall be signed by the testator, or by some one in his presence and by his direction, and such signature shall be made and assented to or acknowledged in presence of two competent witnesses present at the same time, and such witnesses shall in the presence of testator affix their signatures as near as conveniently they can to the signature of or on behalf of the testator, but no form of attestation shall be requisite.

Native subject to Native Law may by will or codicil devise, bequeath, or dispose of his immoveable property.

Will, by whom to be prepared, and how.

2. Such public officer preparing and drawing said will shall record in writing upon some part of the paper upon which the will is written a certificate as near as may be to the form in the schedule to this Law annexed.

Certificate as per schedule to be recorded upon the will.

3. It shall be lawful for the Lieutenant Governor to appoint some person as an Official Trustee, whose duty it shall be to act as such or as an Executor Dative, with full power to nominate under him such other persons as he shall think fit, to administer, only as regards immoveable property, the estates of all deceased natives who shall have been subject to Native Law at the time of death, and in all cases whether such Native shall have died with or without a will: And such administration and distribution shall be in accordance to dispositions by will, if any, or if there be no will, then according to Native Law, under such rules and regulations as shall be from time to time framed by the Lieutenant Governor and published in the *Government Gazette*, and such Official Trustee or Executor Dative, as the case may be, shall be accountable only to the Lieutenant Governor for all acts done by him by virtue of his office, and in the administration and distribution of estates of natives as aforesaid.

Official trustee may be appointed by Lieutenant Governor to administer estates of deceased natives.

Duties and powers of.

Disposition of Immoveable Property by Natives.

Immoveable property of deceased native may be transferred upon certain conditions before Registrar of Deeds.

Will made by native, when rendered void or illegal.

Immoveable property of natives to be subject to all special mortgages or hypothecations.

Will to take effect as if executed immediately before death of testator.

Will or codicil not to be revoked by testator becoming exempted from operation of Kafir Law.

Commencement of Law.

4. Immoveable property belonging to any deceased native who shall have been at the time of his decease subject to Native Law, may be transferred before the Registrar of Deeds to any other person or persons, jointly or separately, by such Official Trustee or Executor Dative, upon production of a written consent and authority given for that purpose and signed by the Secretary for Native Affairs.

5. Any native subject to the operation of Native Law labouring under the same personal incapacity which, if any inhabitant of Natal not being a native laboured under would render void or illegal a will executed by such inhabitant, such native labouring under such personal incapacity shall have no power or capacity to make a will under this Law, and any will of any immoveable property executed by any native subject to the operation of Native Law, and labouring under such personal incapacity as aforesaid, shall be void and of no effect.

6. All immoveable property belonging to any native subject to Native Law, or to which he shall at the time of his death be possessed of or entitled to, shall be subject to all special mortgages or hypothecations which may have been legally affixed to or be binding on such property, for the payment of any sum of money or other interest so secured by such mortgage, and such claim shall be preferent in the same manner as may be the case in all other mortgages or hypothecations under the Laws in force in this Colony.

7. Every will shall be construed to take effect as if it had been executed immediately before the death of the testator unless a contrary intention shall appear by the will.

8. Any will or codicil made under this Law shall not be revoked by the testator having become exempted by process of any Law from the operation of Kafir Law, and such will shall be subject to the operation of the general Laws of the Colony.

9. This Law shall commence and take effect from and after such date as the Lieutenant Governor by Proclamation in the *Government Gazette* shall make known Her Majesty's assent to the said Law.

SCHEDULE.

I certify that I have on this day of caused to be explained in my presence and in the presence of and of two persons of full age, this will (or codicil) to the said testator and that he the said appeared to be fully capable of understanding and to understand and to intend the provisions of the said will.

Given under my hand this day of

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Criminal Law Procedure Amendment.

LAW No. 13, 1864.

Law for applying a sum not exceeding £116,697 18s. 11d., for the service of the year 1865.

LAW No. 14, 1864.

(Signed) J. SCOTT.

Law to repeal the 37th section of the Ordinance No. 18, 1845; and to make other Provisions in lieu thereof.

WHEREAS, it is expedient to make better provision in reference to the taking and proof of statements made by accused persons at preparatory examinations; and also to put an end to certain doubts existing in relation thereto respectively:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. The thirty-seventh section of the Ordinance No. 18, 1845, is hereby repealed, without prejudice to the efficacy, sufficiency, or admissibility in evidence of any statement taken thereunder before this Law shall have come into operation.

Thirty-seventh section of Ordinance No. 18, 1845, repealed.

2. In lieu of the said thirty-seventh section of the said Ordinance No. 18, 1845, the following provisions of this section are enacted and substituted, that is to say: After the examination of the witnesses in support of the charge in presence of the accused person, or after the examinations have been read over to him if taken in his absence, the Magistrate shall address, or cause to be addressed in his presence, such accused person in these or equivalent terms: "Having heard the evidence, do you wish to say anything? You need not say anything unless you wish; and, if any expectation of gain from your saying anything, or of injury from your not saying anything, has been held out to you, you are to pay no regard thereto. Anything which you do say will be taken down, and may be used in evidence against you at your trial." And if thereupon the accused person shall make any statement, the Magistrate shall cause the same, or the interpretation thereof into English, to be taken down in writing as nearly as may be; and when so taken down to be read over, and if requisite interpreted to such accused person as his statement; and if such person thereupon shall desire any addition or correction to be made thereto or thereof, the Magistrate shall cause such to be made; and this statement, including any such additions and corrections, may be signed by the accused

Provisions in lieu thereof.

Vide Law 5, 1870, § 8.

Statement of accused to be taken down in writing by Magistrate, and signed by him.

Criminal Law Procedure Amendment.—Coolie Loan.

person, if willing thereto; and such statement shall be entitled as a statement by the accused person by name; and the Magistrate shall, at the end of such statement, certify as nearly as may be in the following words: "I certify that the foregoing statement was made by the accused person, A. B., in my presence, after I had addressed (or caused him to be addressed) in manner directed in that behalf by the second section of the Law No. 14, 1864." And the Magistrate shall as such sign such certificate. And such statement shall be kept and transmitted with the depositions of the witnesses in ordinary course.

To be admissible
in evidence
against the
accused.

3. Such statement purporting to be certified and signed by the Magistrate as directed by the last foregoing section, shall be admissible in evidence against the accused person mentioned in such certificate at his trial without further proof of such statement having been in fact made by the accused person, or of the truth of the certificate, or of any other matter relating to the taking or the keeping or transmission of such statement, unless it shall be shown that such certificate was not signed by the Magistrate.

Not to affect the
admissibility in
evidence of
statement of
accused in other
respects.

4. Nothing in this Law contained shall affect the admissibility in evidence of any statement by an accused person at any time other than that referred to in section two hereof.

Commencement
of Law.

5. This Law shall be in operation on and from the promulgation thereof in the *Government Gazette*.

Given at Government House, this 17th day of September, 1864.

By command of His Excellency the Lieutenant Governor,
(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 15, 1864.

(Signed) J. SCOTT.

Law to Raise a Loan for the Introduction of Coolies into the Colony of Natal.

Preamble.

WHEREAS certain Laws have from time to time been passed, providing for the introduction of Coolie immigrants into this Colony, and for the repayment of advances incurred by the Government on that account; and whereas it is provided in Law No. 14, 1859, that such sums "be carried by the Colonial Treasurer to a separate account, to be called the Immigration Fund"; and whereas it is expedient to make provision for raising, by way of a loan, such sum or sums, not exceeding one hundred thousand pounds, as may be required for the purpose of defraying such advances and expenses

Coolie Loan.

as may be required by the immigration fund for the purpose of introducing such Coolie immigrants as from time to time may be applied for or required :

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. It shall be lawful for the Governor or officer administering the Government to raise and take up upon debentures, or such other form of loan as he shall consider preferable, such sum or sums of money, not exceeding in the whole one hundred thousand pounds, as may be required from time to time for defraying the cost of the introduction of Coolies : and to apply the whole or such part of any sum or sums raised under this Law to defray the expenses of such advances and such other expenses as may be required by the immigration fund for the introduction of Coolie immigrants.

For raising a loan not exceeding £100,000 for the introduction of Coolie immigrants.

2. Every bond, debenture, or other security granted under this Law, shall bear interest after a rate not exceeding six pounds for every one hundred pounds by the year, and such interest shall be payable at such times and places as shall, in such bond, debentures, or other security, be fixed and named for that purpose.

Interest on every bond, debenture, or other security not to exceed six per cent.

Vide Law 16, 1871, § 5.

3. Every bond, debenture, or other security granted or issued under this Law, shall be signed on behalf of the Colony of Natal by the Colonial Secretary and Colonial Treasurer.

Bond, &c., by whom to be signed.

4. All and singular each and every sum or sums of money borrowed or raised under and by virtue of this Law, together with such interest as may from time to time accrue thereon, shall be, and the same are hereby, charged on and made payable out of the revenue of the Colony of Natal.

Loan and interest charged and payable out of the revenue of the Colony.

5. All and singular the principal sums so to be borrowed and raised under and by virtue of this Law shall be repaid within a period of thirty-one years from the several days on which the said principal sums shall have been respectively borrowed and raised.

Loan to be repaid within thirty-one years.

6. The Governor or officer administering the Government shall pay yearly, out of the general revenue of the Colony of Natal, such sum as shall be equal to eight per centum per annum on the total of the principal sums from time to time borrowed, as is hereinafter provided.

Eight per cent. yearly on the principal sums borrowed from time to time to be paid.

7. The Governor or officer administering the Government, after payment of the interest thereout, as the same shall from time to time become due upon such loan, shall invest, or cause to be invested, the residue thereof, as a sinking fund, in the purchase of Government securities of Great Britain and Ireland, or of Government securities of any British colonies or possessions, and shall invest, or cause to be invested, the dividends, interest, or annual produce arising from such investment, in the same manner as aforesaid, so that the same may accumulate by way of compound interest.

Creation of sinking fund, and how to be invested.

Vide Law 16, 1871, §§ 11-14.

8. The Governor or officer administering the Government shall, out of the surplus revenue of the Colony, pay off and discharge any deficiency that may occur or arise from the sinking fund, at the the respective times appointed for the payment of said bonds, debentures, or other securities.

Deficiencies of sinking fund to be paid out of surplus revenue

Coolie Loan.

Commencement
of Law.

9. This Law shall commence and take effect from and after the proclamation by the Governor, in the *Government Gazette*, of Her Majesty's assent to the same.

Given at Government House, this 17th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 16, 1864.

Law empowering the Lieutenant Governor to pay Interest on any Loan raised for the Introduction of Indian Immigrants out of the Immigration Fund; and to pay, out of the General Revenues of the Colony, one-third of the cost attendant on Introduction of each Immigrant.

Repealed by Law No. 14, 1871, § 1.

LAW No. 17, 1864.

Law to extend Terms of Assignment of Coolie Immigrants from Three to Five Years.

Repealed by Law No. 2, 1870, § 1.

LAW No. 18, 1864.

Law to regulate the Payments to be made by the Masters or Employers of Coolie Immigrants.

Repealed by Law No. 2, 1870, § 1.

LAW No. 19, 1864.

Law for making further provision for the service of the year 1864,

Coolie Loan.

LAW No. 20, 1864.

Law for making further provision for the service of the year 1865.

LAW No. 21, 1864.

Law to enable the Lieutenant Governor to impose a Special Tax on Immoveable Property to defray a Moiety of any Guaranteed Interest paid to the Natal Central Railway Company.

Repealed by Law No. 5, 1872, § 56, and Law No. 6, 1874, § 1.

LAW No. 22, 1864.

Law to enable the Lieutenant Governor of Natal, under certain conditions, to pay Guaranteed Interest to the Natal Central Railway Company.

Repealed by Law No. 5, 1872, § 56, and Law No. 6, 1874, § 1.

LAW No. 23, 1864.

Law for making further provision for the service of the year 1863.

PRIVATE LAW.

(Signed) J. SCOTT.

Law for incorporating the Colonial Bank of Natal.

WHEREAS, certain persons have established a Joint-stock Company for the purpose of carrying on the business of banking in its various branches at Pietermaritzburg in the Colony of Natal and elsewhere, which Joint-stock Company was established by virtue of a Deed of Trust or Settlement bearing date the Twenty-eighth day of February, One thousand eight hundred and sixty-two, under the style and form of the "Colonial Bank of Natal," and with a capital stock of Fifty thousand pounds:

Preamble.

Colonial Bank of Natal.

List of pro-
priators.

And whereas the directors of the said Joint-stock Company, on behalf of the proprietors of the said Company, and pursuant to 40th section of their Deed of Trust, have applied for a Charter or Law of Incorporation, the said present proprietors being:—F. B. Allanson; Thomas Ansdell; George Apsey; James Archbell; Samuel Graham Bake; Mary Baverstock; R. J. Barns; Jacob Dirk Barry; Carl Behrens; Jonas Bergtheil; W. A. C. Bester; William Bibbens; Elizabeth Boast; Thomas Botterill; Walter Boyes; Vicar Brayhirst; Robert Brown; E. J. Buchanan; Samuel Thomas Buck; Thomas Burnet; William Burrows; William Chapman; Georgina Emily Chapman; William Alfred Collinson; Margaret Ann Cooke; William Craven; David Rose Crawford; George A. Cope; Alfred Davis; Peter Davis & Son; Arend Josias De Kock; Joseph De Kock (Arend Josias' son); M. De Kock (M.'s son); Joseph De Kock; Daniel Johannes De Kock; Louis August Desvages; A. B. De Villiers (P. J.'s son); Johannes Phillippus De Villiers; William Donaldson; Suzette Donaldson; John Hepburn Dudgeon; Edwin Dunn; Leon Durand; William Estment, Jun.; John Eustace Fannin; Gertrude J. Faure; Jacobus Christian Faure (Pieter's son); Philip Edward Faure; David Fitzgerald; Henry Gade; James Gardener; John Gibson; Johan C. Gie (C.'s son); C. H. Good; John Graham; Heirs of the late James Jenkins Gregory; Aletta Hansmeyer; Thomas Harper; Joseph Charles Hess; Thomas Hind; George Hodgskin; Charles Henry Hodgson; Johannes Jacob Hofmeyr; William Holding; Thomas Howell; Edgar Eager Hurly; George W. Ireson; Robert William James; William James (Cheltenham); William James (Pietermaritzburg); Henry Beechcroft Jackson; James Johnson; Ernst Landsberg; Robert Clunie Logie; Edward London; A. J. Louw (J.'s son); Florence Macarthy; William Mackay; P. P. Marais; A. Maranny; William Henry Maturin; James Mason; Floris Meeser; Gawen Mellersh; Robert Mellersh; William Mendenhall; Theodore Menne; Frederic William Mills; Hendrik Muller; Arthur Newson; Andrew Ninmo; Henry Nourse; William Palmer; Francis Dew Parker; Edwin Parkinson; Thomas A. Payne; Ebenezer Pearse; Henry Pinson; C. W. H. Pistorius; William Pithey; Robert Joseph Powrie; Isaac Jordaan Pronk; James Raw; Alfred Richardson; Theodor Risler; Joseph Risley; Samuel Henry Roberts; Robinson & Vause; Donald Ross; Dirk Jan Hendrik Ruytenbach; Henry James Sherman; Ebenezer David Silver; Alfred Simons; Frederick Simpson; Eliza Ann Smith; George Smithers; James Snithers; George Stanners; Heirs of the late James H. Steere; Jacobus Stuart; John Teschemaker; Alice Thoume; Mary M. L. M. Thoume; Conrad Ufflemann; E. Van Staveren; J. M. K. Van Staveren; John Wagener; Arthur Walker; George Walker; Carl Watermeyer; William Wells; George Whitby; E. J. Wicht; H. L. Wicht; J. C. Wicht; H. H. Wicht; Joseph Wigley; George Henry Wilkinson; W. J. Wilkinson; George Wiltshire; Ann Beaumont Winstanley; James W. Winter; Matthew Woodfield; P. H. Zeederberg.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows, that is to say:

Colonial Bank of Natal.

1. That the said Joint-stock Company shall be, and the same is hereby, incorporated and declared a body corporate; and, as such, shall have succession in law, and shall have and use a Common Seal, with the name of the Company thereon.

Company to be a body corporate.

2. That the said Company so hereby incorporated shall be called and known by the name, style, or title of "The Colonial Bank of Natal."

Company to be styled "The Colonial Bank of Natal."

3. That for the purpose of carrying on the said business, the capital fund of the Colonial Bank of Natal shall for the present consist of the sum of £50,000, in ten thousand shares of £5 each; which said capital fund may, however, be increased by the creation of new shares, in manner hereinafter set forth: Provided always, that the sanction of the Lords Commissioners of Her Majesty's Treasury be first obtained.

Amount of capital fund.

New shares may be created.

4. From and after the passing of this Law, the persons nominated to act as trustees of the Company shall cease to act as such, and the office shall cease, and the property held by them in trust for the Company shall be vested in the Company; and all contracts theretofore entered into with them by the shareholders individually or other persons may be enforced; and the unpaid calls on the shares held by such shareholders respectively shall be recoverable against them by action at law by the Company by its name of incorporation.

Trustees and office thereof to cease, and the property held by them to be vested in the Company.

5. It shall and may be lawful for the Company, authorised by resolutions of a general meeting of shareholders, and with the sanction of the Lords of Her Majesty's Treasury, to increase the capital of the Company to the sum of £500,000 sterling, payable in such instalments as shall then be determined on: Provided that such additional capital shall be subject, in every respect, from and after the date of the signification of such sanction, to conditions and regulations similar to those applying to the original capital; and such shares shall be first offered to the then shareholders in the Company at par, in the proportion of shares held by them respectively; and if such shares shall not be taken up as allotted, the directors shall and may, at their discretion, sell and dispose of such shares at a fixed price or by tender.

Capital may be increased to £500,000; and additional shares how to be disposed of.

6. The individual liability of shareholders to the public shall never exceed double the amount of their subscribed shares. Any judgment, decree, or order of Court, shall be executable on the property of the Company and not on that of individual shareholders. In the event of the Company being wound up, the existing shareholders shall be liable to contribute to the funds of the Company to an amount sufficient to pay the debts of the Company, and the costs, charges, and expenses of winding up the same; with this limitation—that no contribution shall be required from any shareholder exceeding double the amount of shares subscribed for by him (that is, for the amount subscribed for and for a further and additional amount equal thereto), provided that any judgment, decree, or order which may be obtained against the Company shall attach to the additional liability, as well as to the paid-up capital or other property of the Company.

Liability of shareholders.

Colonial Bank of Natal.

Company to sue
and be sued in
name of manager.

7. That the said Company may sue and be sued in the name of their general manager for the time being, in all courts, whether of law or equity ; and in all cases where it is necessary to serve any writ, summons, declaration, notice, or other proceeding, upon the said Company, service personally on the general manager, or left at the office of said Company, shall be deemed good and sufficient service.

Actions not to
abate.

8. That no suit or action shall abate by reason of any change in the persons holding the office of chairman, or of any change in the office of directors, of general manager, or of any other officers of the said Company, appointed under the provisions of this Law.

The business of
the bank.

9. The general business of the bank shall be to lend money on bonds, bills of exchange, promissory notes, acceptances, or other commercial paper, open accounts, Imperial or Colonial Government securities, and all other securities whatsoever appropriate to the general business of banking or discounting, also buying and selling bills of exchange, granting cash credits on surety bond or bonds, receiving deposits at such rates of interest as may, from time to time, be fixed by the directors, borrowing or taking up money on receipts, bills, promissory notes, or other obligations ; the bank shall also collect merchants' and traders' bills of exchange and promissory notes ; and shall and may invest in, purchase, sell, or otherwise deal in, bullion, or gold and silver coin, or Colonial government securities, or the public funded debt of Great Britain, or in navy, commissariat, or exchequer bills, or the stock of any joint stock company, save only the shares of this Company : Provided, that the Company shall not advance money on security of lands or houses, or ships, or in pledge of merchandise, nor hold lands nor houses, except for the transaction of its business, nor own ships, nor be engaged in trade, except as dealers in bullion or bills of exchange, with endorsed bills of lading annexed of shipments of sugar, ivory, wool, or other produce of like permanent value, and provided the same be insured against risk by sea and fire, for security of such advances, but shall confine its transactions to discounting commercial paper, and negotiating securities, and other legitimate banking business : Provided, nevertheless, that the Company may accept lands, or houses, or ships, or shares in its capital, or stock, or other moveable or immoveable property, in liquidation of, or as a security for any debt *bond fide* due to the Company, or as a security for payment of any sum for which any person may have rendered himself liable to the Company, and hold them for such reasonable time only as may be necessary to dispose of and convert the same into money : And provided also, that the discounts and advances by the Company on any of the securities aforesaid, bearing the names of any one of the directors thereof as obligors, drawers, acceptors, or endorsers, shall not, at any time, in the aggregate exceed one-third of the total discounts and advances by the Company.

Exceptions.

Discounts.

May hold land
necessary for
business.

10. It shall be lawful for the Company to purchase, take, hold, and enjoy to them and their successors, such houses, offices, buildings, landed and other immoveable property as shall or may be thought necessary or proper, for the purpose of managing, conducting, and carrying on the business and affairs of the said Company,

Colonial Bank of Natal.

but not for any other purpose, except as hereinbefore mentioned, nor so as to be in any manner made instrumental for the purposes of trade or speculation ; and to sell, grant, demise, exchange, convey, and dispose of the same, or any of them respectively.

11. It shall and may be lawful for the directors from time to time to cause to be issued promissory notes, signed by such of the directors or other officers of the bank as the directors shall from time to time appoint, payable in Pietermaritzburg and such other places as the directors may think fit in British sterling money or the legal currency of this Colony, of such value and to such amount, provided the same be not for any fractional part of a pound sterling, as they shall deem fit and expedient, not exceeding, however, at any time, a sum equal to one-third of the paid-up capital of the Company : Provided that a reserve of specie shall always be maintained, equal to one-third of the amount of notes at any time in circulation : And further, that the total amount of the debts and liabilities of the Company, whether upon bonds, bills, promissory notes, or otherwise, contracted over and above the amount of deposits on banking accounts with the Company's establishments, shall not exceed at any time, three times the amount of the capital stock subscribed and actually paid up.

Directors may issue notes.

Reserve of specie

Amount of debts not to exceed three times the amount of paid-up capital.

12. The Company's business shall be carried on in Pietermaritzburg, or at such place as may be determined upon by the directors from time to time, and branch establishments may be opened in Durban, and in any town, county, or district in the Colony of Natal, or in any other part of the world : Provided always, that the board of directors shall and may appoint the necessary directors and officers for the direction and management of such branches, and shall and may, when and as often as they see cause, suspend or remove any or all such of such directors or officers, and appoint others in their stead.

Where business to be carried on.

13. Rules, orders, regulations, and bye-laws, for carrying on the business and management of the Company, shall and may be made and repealed, from time to time, by the directors for the time being, and duly enforced, after having been made public by posting in the public office of the Company : Provided, nevertheless, that the shareholders may, by a majority of votes at any meeting, repeal any or all such, after notice shall have been given by any ten shareholders to the directors, by leaving the same at the principal office of the Company seven days before such meeting, of their intention to object to the same.

Directors may make and repeal rules.

Shareholders may repeal.

14. The directors shall keep a minute book, in which shall be entered a record of all their meetings and transactions, which shall be duly confirmed and signed by the chairman presiding at the next succeeding meeting.

Minute book.

15. No assignee of any assigned estate, nor trustee of any insolvent estate, shall, as such, become a proprietor of shares of the capital fund of this Company ; but such assignee or trustee shall sell and dispose of the share or shares which he shall, as such, hold, within six months of the date of his nomination or election, subject to the regulations and conditions hereinafter contained as to transfer of shares ; and in default, such share or shares shall immediately thereafter become forfeited, and new shares shall be created, which

No assignee or trustee of insolvent estate to hold shares.

Colonial Bank of Natal.

new shares shall be sold for the benefit of such estate, and the net proceeds thereof held for the benefit and at the disposal of the person legally entitled thereto.

Monthly list of shareholders.

16. On the first day of every month a correct list of shareholders in the Company for the time being, with the number of shares held by them respectively, and certified by one of the directors, shall be posted up in all the public offices of the Company during the then succeeding month; and a certified copy of such list shall be laid on the table previous to the proceedings of any general meeting of shareholders.

Transfer of shares, how made.

17. Transfer of any share or shares may be effected by endorsement specifying the person or persons to whom such share or shares are transferred; but no such transfer shall be valid unless approved by the directors at any of their meetings, and such approval be certified thereon by at least two of the directors and countersigned by the manager; and such transfer shall be registered by the manager of the said Company, and until such registration the transferee shall have no part of the profits of the Company, nor any dividend on such shares paid to him nor any votes in respect thereof: Provided, that the directors for the time being may decline to allow such registration of any transfer of shares made by a shareholder who may be indebted to the Company for any calls due thereon: And provided also, that in every case where transfer of any share is effected by or to any person resident in the United Kingdom of Great Britain and Ireland, in all such cases, in lieu of the approval required by the directors, it shall and may be lawful for any person or persons, generally empowered in that behalf by the board of directors, to approve of every such transfer, and endorse his or their approbation on such share; and every such transfer, after such approbation has been so given and endorsed, shall be as valid and effective as if such approbation had been given by the directors in manner referred to in this section.

Shareholders residing in United Kingdom.

Record of shareholders.

18. The names and addresses of all shareholders and the number of shares held by each shall be entered in a book to be kept for that purpose; and a certificate in the form following, signed by two of the directors and countersigned by the manager, shall be delivered to every shareholder; and when the calls on any shares shall have been fully paid up the fact shall be so stated on said certificate:

Form of certificate of share.

" No. CERTIFICATE OF SHARE IN THE No.
" COLONIAL BANK OF NATAL. £5 Stg.

" We hereby certify that Mr. , of
" , is the Proprietor of Five Pounds
" sterling Share in the Capital Fund of the Colonial
" Bank of Natal, established under and by virtue of the
" Company's Deed of Settlement, dated the Twenty-eighth
" day of February, 1862, transferable only with the approval
" of the Board of Directors of the said Bank.

" } Directors.
" }
" Manager."

Colonial Bank of Natal.

19. Every proprietor who shall have sold his interest in the said capital, and whose share or shares have been transferred, shall be exonerated and discharged from all liability, claim, or demand to which he might be liable under and by virtue of the provisions of this Law ; unless he shall have filled the office of director, in which case he shall remain responsible and liable for all the acts of the board whilst a member.

Shareholder transferring his shares free from liability.

Exception.

20. The last instalment of £1 per share on entire capital of £50,000 becoming due and payable on the first day of September, 1864 ; and the amount of any calls unpaid on any share or shares shall be a debt due from the owner of such share or shares to the Company, bearing interest at the rate of twelve per cent. per annum ; and no holder of such share or shares who shall be sued for the recovery of such debt, or any other debt or liability due to the Company, shall plead in bar of such action that he is a co-partner with the plaintiffs.

Last instalment of £1, and unpaid calls to be a debt due to Company.

21. If any shareholder shall fail or shall have failed to pay any call or calls, with the interest due thereon as aforesaid, for the space of one month after the same shall have become payable, the directors for the time being may, if they shall see fit, declare by resolution such share or shares forfeited, and the same and the instalments which may have been paid thereon shall thereupon be forfeited accordingly : and the said directors shall and may sell and dispose of such forfeited share or shares : provided, however, that the said directors, instead of declaring such forfeiture, may institute an action against any proprietor of such share or shares failing to pay such call or calls and interest as aforesaid for recovery thereof.

When shares may be declared forfeited.

22. In case of forfeiture of shares as aforesaid, a new certificate shall, in each case, be issued by the directors in lieu of the former certificate, and notice by advertisement of four consecutive weeks shall be given in the *Government Gazette* by the bank, signifying their intention to issue such new certificate.

New certificate to be issued on forfeiture.

23. The directors may, by giving notice by advertisement in some local newspaper, close the register of shareholders for any time, not exceeding fourteen days, prior to the thirty-first day of December and thirtieth day of June in each year.

When directors may close the register of shareholders.

24. The management of the affairs of the Company shall be and continue vested in a board of seven directors (three of whom shall form a quorum), who shall have the sole management of the capital fund, estate, property, affairs, and business concerns thereof.

Board of directors.

Quorum.

25. That the present directors having decided by lot, amongst themselves, the order in which they should go out of office, and their names having been set down (in a list kept for the purpose) in the order in which they are to retire from office, the names of the directors re-elected, or elected in their place, shall be set down, from time to time, as elected, at the bottom of the list of directors ; and the directors shall, from time to time, during the continuance of this bank, go out of office in the order in which their names shall stand in the current list of directors : And that, upon the last Thursday in the month of January, in the year of our Lord One thousand eight hundred and sixty-four, the two directors who are first named

Order of retiring of directors.

Colonial Bank of Natal.

in such list shall go out of office, and so, upon the last Thursday in the month of January in every subsequent year, in the order herein prescribed : Provided, that the old directors shall remain in office till their successors shall have been appointed, and that any director so going out of office shall be eligible for immediate re-election.

Election of
chairman.

26. At the first meeting of directors, and at the first meeting of every successive board of directors, or at some special meeting in case of a vacancy in the office of chairman by death, resignation, or otherwise, they shall choose from amongst themselves a chairman, who shall preside at all their meetings at which he shall be present ; and in his absence the senior director present shall preside ; and in case of an equality of votes amongst the directors present at any of their meetings, the presiding member shall have the casting vote.

Managing
directors, how
appointed.

27. The directors of the Company shall appoint from amongst themselves two managing directors, to facilitate the management and daily conduct of the bank, whose duty it shall be to attend at the principal banking house of the Company at such times as may be considered convenient for the dispatch of business.

Remuneration
of directors and
auditors.

28. The directors and auditors for the time being may receive, out of the clear profits of the bank such sum of money, collectively, by way of remuneration for their trouble, as the majority of the shareholders shall, by resolution at any annual general meeting, determine ; and such remuneration shall be divided amongst them in proportion to the number of board meetings at which they attend.

Qualification of
directors.

29. Any shareholder possessed in his own right of twenty shares or more, or one of any two or more persons jointly possessed of shares, or any one partner of a firm which may be possessed of shares in sufficient number as to give an apportionment to each such individual partner a number of shares equal to twenty, shall be eligible to be elected a director ; but no two or more persons carrying on business as co-partners in any firm shall be eligible for election or be elected in the same direction ; and such director, before entering upon the duties of his office, shall sign a declaration of secrecy on the subject of the transactions of this bank with their customers, and the state of the accounts with individuals, and shall not disclose the same unless they shall be required to do so in due course of law.

Insolvency and
absence of
directors.

30. Any director who shall individually or whose firm shall become insolvent or compound with his or their creditors, or who shall be absent from the board (unless in case of illness) or from the Colony, for four months at any one time ; or shall transfer or mortgage or pledge his shares, or whose firm shall transfer or mortgage or pledge their shares ; or cease to own in his own right twenty shares at least, or whose firm shall cease to hold a sufficient number of shares as if apportioned equally amongst the co-partners of his firm would give to each the amount of twenty shares as such qualification for a seat in the direction, shall be disqualified ; and he shall thereupon cease to hold office : and no such director who shall have ceased to be such by reason of insolvency or by compounding with his creditors shall be eligible for re-election, until he shall have obtained his re-habilitation or a release from his creditors, as the case may be.

Colonial Bank of Natal.

31. In the event of death, removal, resignation, disqualification, or absence from the Colony, as aforesaid, of any or either of the directors or auditors, the remaining directors shall, immediately on such event, convene a meeting of the proprietors, as directed in clause forty-three, to elect a director or directors, or auditor or auditors, to fill up such vacancy; and the election shall take place in manner, and subject to the regulations, provided for the election of directors at the general annual meetings; but the director or directors, or auditor or auditors so elected, shall continue in office only until the expiration of such period as his predecessor would have remained in office.

Appointment of new directors or auditors.

32. No director shall vote on, or take any part in, the discussion of any matter under the consideration of the board of directors in which he shall have a special personal interest.

Director not to vote where he has a personal interest.

33. In case the continuance in office of any director shall, by reason of improper conduct therein, appear to at least fifteen shareholders to be prejudicial to the interests of the Company, and they shall notify such their opinion, and the grounds thereof in writing to the directors, a meeting of the shareholders shall be called by the board for the purpose of determining whether such director shall continue in office, and a majority of proprietors present at such meeting may remove such director from office.

Removal of director.

34. Any director who shall resign, retire, become disqualified, or relinquish his office, or be removed from it as hereinbefore provided, shall, nevertheless, always remain responsible and liable for all acts of the board during the period he held office; also, for any wilful mismanagement, or concealment of losses, during the time that he was a member thereof.

Director removed to remain liable.

35. The directors and other officers of the Company shall not be personally liable or answerable for any losses, cases, charges, damages, or expenses, which they, or any of them, may occasion or sustain in or about any matter or thing relating to the affairs of the Company; provided the same shall not arise from their own culpable negligence or misconduct.

Directors and officers, when personally responsible.

36. If the directors, for the time being, shall declare and pay any dividend when the Company is known by them to be insolvent, or any dividend, the payment of which would, to their knowledge, render it insolvent; or if the said directors shall, in case of the loss of the reserve fund, and one-third of the paid-up capital of the Company, fail to call a general meeting of the shareholders, as in the fiftieth section of this Law is made and provided, then, in either of such cases, the directors for the time being shall be jointly and severally liable to the Company for all the debts of the Company then existing, and for all that shall be thereafter contracted: Provided always, that if any of the directors should be absent at the time of declaring such dividend, or, being present, should object thereto, and to the payment thereof, and shall file such objection, in writing, with the manager of the Company, such act shall exempt such absent or objecting director from said liability.

Directors declaring dividends when Company insolvent personally liable.

37. The directors for the time being shall, from time to time, at such salaries as they shall think fit and reasonable, appoint and pay managers, cashiers, accountants, clerks, and such other officers as

Directors to appoint and remove managers, clerks, &c

Colonial Bank of Natal.

- they shall deem necessary for transacting the affairs and business of the Company, and shall and may, when and as often as they may see cause, suspend or remove any or all of such officers, and appoint others in their place and stead, and such officers shall respectively, before entering upon their duties, execute a declaration of secrecy, and give security for the faithful discharge of their duties—the general manager and manager of the respective branches to the amount of £2,000 sterling, and the cashiers to the amount of £1,000 sterling, and other clerks to the amount of £500 sterling each.
- Security.** 38. Every salaried officer of the Company shall confine himself exclusively to the business thereof, and shall not be allowed to engage in, or have any concern in, any kind of trade or business, or act as agent, or broker, or trustee of any insolvent estate.
- Officers of Company not to engage in other business.** 39. Upon the application of one-fifth in number and value of shareholders of the Company, and the appointment by them of two of their number as inspectors, competent to inspect and examine into the affairs of the Company, and to report thereon, the directors shall allow full inspection of the books, state, and condition of the affairs of the Company, and the past management thereof; and such inspectors shall examine the directors and officers of the Company, if need be; and as soon as they shall have prepared their report thereon, they shall require the directors forthwith to convene a general meeting of shareholders at which said report shall be read; and such meeting may direct such inspectors to be paid out of the funds of the Company some reasonable remuneration for their time, labour, and skill bestowed in and upon such investigation.
- Inspectors, appointment and duties of.** 40. Two auditors shall be chosen annually at the same general meeting of the shareholders at which the directors are elected, neither of whom shall be a director or officer of the said Company at the time.
- Auditors, how appointed.** 41. It shall be the duty of the auditors to audit and inspect the balance sheet and general accounts of the Company, and, if necessary, they may call for and inspect such documents, books, accounts, papers, and vouchers, as they may require for the purpose of such audit, and shall sign, certify, and vouch all accounts previous to their being laid by the directors before the general meeting of shareholders.
- Duties of auditors.** 42. General meetings of proprietors of this bank shall be held on the last Thursday in the month of January and on the last Thursday in the month of July of every year during the existence of this Banking Company, when the directors shall lay before the proprietors a report of the accounts and state of the bank, duly audited, and of the profits made; those to be laid before the meeting on the last Thursday in January to begin from the first day of July and to end with the thirty-first day of December previous, both days inclusive; and those to be laid before the meeting on the last Thursday in July, to begin from the first day of January and to end with the thirtieth day of June previous, both days inclusive; and, in addition thereto, at the half-yearly meeting, which shall be held in the month of January as aforesaid, the proprietors shall elect out of such as shall be qualified directors, and two persons, not being directors, as auditors, instead of the retiring directors and auditors.
- General meetings of proprietors twice a year.**

Colonial Bank of Natal.

43. A general meeting of the proprietors shall be convened for any special purpose, provided notice thereof shall be given by the said directors, and of the purpose for which the same is to be held, twenty-one days at least before the same shall take place, and that such notice shall have been three times inserted in the *Government Gazette*, and in one or more of the local newspapers; and the said directors shall convene a general meeting of the proprietors whenever so required by a requisition, in writing, setting forth the purpose for which the same is to be held, signed by not less than ten of the proprietors, holding in the aggregate not less than three hundred shares, one week after the same shall have been delivered to the directors, which meeting shall be held upon the like notice being given and inserted in the *Government Gazette*, and in one or more of the local newspapers, by the said directors: If, upon receipt of such requisition, the directors do not convene a general meeting within twenty-one days, the requisitionists may themselves convene such meeting: Provided, however, that no business shall be brought before any such meeting except that described and set forth in such requisition and notice: Provided also, that no such resolution shall be repugnant to law and the provisions of this Law.

Special general meetings may be convened by directors.

44. Twenty-one days' notice, at least, specifying the place at, and the time, and purpose, for which any general meeting is to be held, shall be given by advertisement three times inserted in the *Government Gazette*, and in one or more of the local newspapers.

Twenty-one days' notice of every general meeting.

45. No business shall be transacted at any meeting of shareholders, except the declaration of a dividend, unless ten shareholders, holding in the aggregate 400 shares in the Company, shall assemble and proceed to business within one hour after the time appointed for the holding of such meeting.

What business transacted at general meeting

46. If, within one hour from the time appointed for the meeting, the required number of shareholders are not present, the meeting, if convened upon the requisition of shareholders, shall be dissolved; in any other case it shall stand adjourned until the following day, at the same hour and place; and if, at such adjourned meeting, the required number of shareholders are not present, it shall be adjourned *sine die*.

If lawful number of shareholders not present, Meeting to be dissolved or adjourned.

47. The chairman, for the time being, of the board of directors, shall preside as chairman at all meetings of shareholders, unless the meeting shall decide to elect their own chairman.

Chairman of meeting.

48. That it shall and may be lawful for the proprietors, at any general meeting, by a majority of votes, to adjourn the same to any future time, but not later than the same day in the ensuing month; and at such adjourned meeting, to adjourn the same in manner aforesaid; and so on until all the business for which any such general meeting was originally called shall have been transacted.

Proprietors may adjourn meeting.

49. Excepting in the case of a contest for directorship, which shall always be decided by ballot, all other questions may be determined at all meetings of proprietors by a show of hands; but any

When questions to be decided by ballot.

Colonial Bank of Natal.

proprietor present may thereon demand that any question then submitted shall be determined by ballot ; in which case such question shall be decided by a majority of votes of proprietors present at such meeting, taken in manner provided by the fiftieth section of this Law and in case of an equality of votes, the chairman shall, in addition to his vote as a shareholder, have the casting vote.

How shareholders are to vote.

50. On all matters submitted to the consideration of any meeting, each shareholder possessing from five to fourteen shares shall be entitled to one vote ; from fifteen to twenty-four shares, two votes ; from twenty-five to forty-nine shares, three votes ; from fifty to ninety-nine shares, four votes ; from one hundred to one hundred and forty-nine shares, five votes ; from one hundred and fifty to one hundred and ninety-nine shares, six votes ; and each proprietor possessed of two hundred shares and upwards, shall be entitled to seven votes, but no more ; and any holder of shares in his capacity as tutor, curator, or guardian of any minor or other person, shall be entitled to the same number of votes as the said minor or other person would have been entitled to if of full age, or otherwise competent to vote : Provided that no shareholder shall be entitled to vote until his name shall have been registered as a shareholder in the books of the Company, as hereinafter provided, for a full period of three calendar months : And provided also, that every shareholder, whether in his own or any other right, by proxy or otherwise, shall be entitled to fifteen votes, and no more : Any shareholder resident elsewhere than in Pietermaritzburg, and absent from any meeting of shareholders, may appoint any shareholder to vote for him by proxy ; such proxy shall not be required to be drawn up in any particular form, but may be by simple letter of instruction.

Shareholders jointly entitled to shares can both vote.

51. When two or more persons are jointly entitled to any share or shares, either shall be entitled to vote in respect of the same.

Monthly statements of assets and liabilities of Company to be published.

52. The directors shall make up and publish monthly statements of the assets and liabilities of the bank, showing, under the heads specified in the undermentioned form, the average of the amount of its notes in circulation, and other liabilities, at the termination of each month during the period to which the statement refers, and the average amount of specie, or other assets, that were available to meet the same. Copies of these statements are to be submitted to the Colonial Government ; and the directors shall be prepared, if called upon, to verify such statements, by the production of confidential documents, and the balance sheets from which the same are compiled ; and also be prepared, upon requisitions from the Lords Commissioners of Her Majesty's Treasury, to furnish, in like manner, such further information respecting the state or proceedings of this Company, as their Lordships may see fit to call for ; and further, the Governor shall be empowered to verify the statements of the Company, of the amount of specie held by them, which statement shall be in the form following :—

*Colonial Bank of Natal.**Return of the Average Amount of Liabilities and Assets of the Colonial Bank of Natal, during the Period from to .*

£ s. d.	£ s. d.
Promissory Notes in circulation, not bearing interest...	Coin and bullion
Bills of Exchange in circulation, not bearing interest...	Landed or other property of the corporation
Bills and Notes in circulation, bearing interest ...	Government securities ...
Balance due to other banks	Promissory Notes or bills of other banks
Cash deposits, not bearing interest	Balances due from other banks
Cash deposits, bearing interest	Notes and bills discounted, or other debts due to the corporation, not included under the foregoing heads, and exclusive of debts abandoned as bad ...
To shareholders, for capital paid up	
To ditto, for additions declared to shares	
To ditto, for dividends remaining unpaid	
Total average liabilities	Total average assets ...

53. The amount of dividends to be paid to the shareholders of the Company, shall, from time to time, be determined by the directors thereof before the half-yearly meetings, and declared at such meetings; and no dividend shall be declared or paid except out of the net profits which have accrued during the preceding half-year; and in ascertaining such net profits, all or any losses or bad debts incurred in the ordinary course of business shall be carried to the profit and loss account; and if any sums shall afterwards accrue from such loss or bad debts, by way of dividend or otherwise, it shall figure as so much profit made during the year in which it shall have been received, so that no bad or doubtful debts shall figure as assets of the bank in any returns made and published by the directors; and before any dividend shall be declared, a sum equal to one-fifth of such net profits shall be deducted from said net profits for the purpose of forming a reserve fund to the amount of £10,000 sterling, so long as the capital of the Company shall remain at £50,000 sterling: Provided that when said reserve fund shall amount to that sum, and so long as it shall continue at such sum, the annual net profits of every year shall be divided amongst the shareholders in proportion to their respective shares, and the amounts paid up on same, unless the majority of shareholders present at any half-yearly general meeting shall otherwise determine: And when and as soon as the capital of the Company shall have been increased, as hereinbefore provided, the reserve fund, by a like process, shall in like manner be augmented.

Directors may declare dividends out of net profits of last half-year.

Reserve fund of £10,000.

54. The sum set apart as a reserve fund of the Company shall be carried to an account in the books of the Company, and be resorted to only in case of any excessive or extraordinary loss, and on the expiration or sooner determination of the Company, shall belong to and be divided amongst the then shareholders thereof, in proportion to the number of shares held by them.

When to be resorted to.

Division thereof.

Colonial Bank of Natal.

Payment of
dividends.

55. All dividends shall be payable at the banking house of the Company within fourteen days after the annual general meeting of shareholders.

Deductions from
dividends.

56. The directors may deduct from the dividends payable to any shareholders all such sum or sums of money as may be due from time to time to the Company, on account of calls.

Company to
continue for
twenty-one years.

57. The Company shall continue for and during the period of twenty-one years, to be computed from the twenty-eighth day of February, 1862: Provided, however, that at any half-yearly general meeting of the Company it shall and may be lawful for the said general meeting to take the necessary steps for the re-enactment of this Law for any period not exceeding fourteen years: and it shall be lawful in like manner to take steps for the further continuance of the bank from time to time for a period not exceeding fourteen years at any one such time: and provided, that if at any time the losses of the Company shall have exhausted all their surplus funds, and also one-fourth of the paid-up capital, then the directors shall forthwith call a special general meeting of the Company, and shall submit to such meeting a full and particular statement of the affairs and concerns of the Company; and thereupon the Company shall be dissolved: and further, that in case the directors for the time being should neglect or omit, wittingly or unwittingly, to call such special general meeting of proprietors, they shall be personally liable for any further losses and results arising therefrom.

Steps may be
taken for its
further continu-
ance.

Company to be
wound up on
suspension of
cash payments
for sixty days, or
breach of other
conditions.

58. In the event of the Company suspending specie payment at any of its banking establishments for the space of sixty days, either consecutively or at intervals, within any one year, or in the event of any other breach of the special conditions upon which the Company is empowered to open banking establishments or to issue and circulate promissory notes, the Company shall be forthwith wound up.

All acts of the
Company pre-
sumed to have
been formally
transacted.

59. Whenever any act of the Company or of the directors thereof under the provisions of this Law, for the validity whereof certain previous notices or acts are hereby required to be given or done, shall be called in question in any Court of Law, such act of the Company or directors as aforesaid shall be presumed to have been done in pursuance of the requirements of this Law; and such previous notices and acts shall be presumed to have been given and done until the contrary shall be proved by the party alleging the non-compliance with the requirements of this Law.

Deed of settle-
ment dated 28th
February, 1862,
declared to be
binding.

60. The deed of settlement bearing date respectively the twenty-eighth day of February, one thousand eight hundred and sixty-two, and hereinbefore recited, shall be and the same is hereby declared binding on all and every of the present shareholders, save and except in such matters as are or may be contrary to the provisions of this Law.

Directors may
sell or amalga-
mate, with con-
sent of two-
thirds of share-
holders present
at meeting,
representing
four-fifths of
subscribed
capital.

61. It shall and may be lawful for the directors to arrange with any person or company to amalgamate, sell, or otherwise dispose of the whole or any branch establishment of this bank: Provided always, that no such arrangement shall be final until the consent of the shareholders, in the manner set forth hereinafter, has been obtained: As soon as the directors have agreed upon the terms of

Colonial Bank of Natal.

such proposed amalgamation, sale, or disposal, they shall forthwith give public notice of the same, and also written notice thereof to each and every shareholder, and, at the same time, convene a general meeting of shareholders to decide as to whether such proposition shall be carried out or not, such public notice, detailing terms of such proposed amalgamation, sale, or disposal, and of the time and place when and where such general meeting will be held, to be inserted in the *Government Gazette*, and one or more local papers, at least sixty days before such meeting shall take place : And be it enacted, that if at such general meeting two-thirds of the shareholders present, representing not less than four-fifths of the subscribed capital of the bank, shall agree to such proposed amalgamation, sale, or disposal, the directors shall then convene another general meeting to confirm such resolution or otherwise, notice of such meeting to be given, in writing, to each shareholder, and to be inserted in the *Government Gazette*, and one or more local papers, at least six months before such meeting shall take place : And be it enacted, that if at such general meeting referred to in the last clause, two-thirds of the shareholders present, representing not less than four-fifths of the subscribed capital of the bank, shall confirm such resolution of the previous meeting in favour of such amalgamation, sale or disposal, then such resolution shall be as binding on the rest of the shareholders, to all intents and purposes, as though they had been present and voted with the majority : Provided always, that it shall or may be lawful for any shareholder to give notice, in writing, to the board of directors, at or before such meeting, and no later, of his dissent to such proposed amalgamation, sale, or disposal, in which it shall and may be lawful for the majority of shareholders present then and there to undertake, in writing, to indemnify such dissenting shareholder against all his liabilities to the bank, and to purchase the shares of such dissenting shareholder at such amount, in respect of every such share, as shall be determined by the arbitrament and award to be made in writing within such period as shall by the proprietors at present be fixed, of two indifferent persons, whereof one shall be chosen by the proprietors, who shall have resolved on such amalgamation, and the other by the dissenting proprietors : Provided, that should such person so chosen not agree upon the arbitrament and award, they shall appoint another indifferent person to be umpire in the determination to be made concerning the premises, and such award shall be conclusive and final upon each and every shareholder.

Dissentient
shareholders.

62. The following words and expressions in this bill shall have the several meanings hereby assigned to them, unless there be something, either in the subject or context, repugnant to such construction, that is to say : Words implying the singular number only shall include the plural number ; words implying the plural number only shall include the singular number ; and words implying the masculine gender only shall include females ; the word "company" and the word "bank" shall mean the "Colonial Bank of Natal" ; the word "directors" shall mean the directors for the time being of the bank ; the expression "general meeting" shall include any meeting of shareholders of the bank, duly convened and constituted

Meanings of
words.

Colonial Bank of Natal.

pursuant to this bill, and whether an ordinary or extraordinary meeting; the expression "meeting of the board" shall include any meeting of the directors at which the number of directors prescribed in this bill as a quorum of the board shall be present; when it shall not be otherwise expressly provided for, the phrases "majority of proprietors," and "majority of proprietors present," shall be taken to mean a majority of votes which such proprietors shall, under the provisions of this bill, be entitled to give, either in their own right, or as the proxies of absent proprietors; the phrase "notice in writing" shall mean any letter or notice, either written or printed, addressed to the party at his last known place of residence or business, deposited in the Post Office.

This Law to be a
public Law

Commencement
of Law.

63. This Law shall be taken to be a Public Law, and be noticed as such by all Courts of Law in this Colony.

64. This Law shall commence and take effect from the date of the publication thereof in the *Government Gazette*.

Given at Government House, this 16th day of September,
1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

PRIVATE LAW.

Law for empowering the Natal Bank to increase its Capital from One hundred and twenty thousand Pounds sterling to Five hundred thousand Pounds sterling; and to repeal so much of section 4 of the Law, "For incorporating the Natal Bank," as relates to the Restriction of the Amount of the Capital of the said Bank to the Sum of One hundred and twenty thousand Pounds sterling.

Repealed by Law No. 9, 1874, § 69.

Cotton Plantation Company.

PRIVATE LAW.

(Signed) J. SCOTT.

Law to enable the Cotton Plantation Company of Natal (Limited) to hold, acquire, and purchase and transfer, exchange or mortgage, or otherwise deal with lands and other immoveable property in Natal, and to do such other things as may be incidental to the objects of the Company.

WHEREAS, under a certain statute passed by the Imperial Parliament of Great Britain and Ireland, and styled "The Companies Act, 1862," a company, called the Cotton Plantation Company of Natal (Limited), was duly incorporated, with a nominal capital of £150,000 sterling, having for its objects, amongst other things, the purchasing, holding, settling, planting, clearing, irrigating, improving, letting, sub-letting, farming, selling, alienating, exchanging, mortgaging, or otherwise dealing with lands and other immoveable property in the Colony of Natal; and the cultivation of cotton, coffee, and other tropical produce, and the purchase thereof and shipping of the same, and the doing of all such other matters and things as shall be incidental and necessary to the attainment of the above-named objects, or any or either of them, or that may appear to the said company to be conducive thereto, or expedient to be carried on in connection therewith: Preamble.

And whereas the said Company is the registered holder of sundry farms in this Colony, and it is necessary, for the purpose of enabling the said Company with facility to carry out its objects, that the said Company should be empowered to lease, transfer, or mortgage the same, and to purchase, hold, transfer, mortgage, and otherwise deal with immoveable property in the Colony of Natal, in the corporate name of the Company; and also, in such name, in the said Colony, to contract and trade, and otherwise to carry out the objects contemplated by the said Company:

Be it enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows, that is to say:

1. That the said Cotton Plantation Company of Natal (Limited) shall be and is hereby incorporated in Natal for the execution and carrying on the purposes contemplated by the Company, and shall have and use a common seal, with the name of the Company inscribed thereon, and shall be, and the said Company is hereby empowered and authorised in the name of the Company to hold, possess and enjoy the said lands, with power to lease the same, and to transfer mortgage, or otherwise alienate or deal with the same, and also in the name of the Company, from time to time, to purchase, take, acquire, and hold to the Company and its successors and assigns, in fee-simple, quitrent, or otherwise, any other immoveable property of any nature, tenure, or kind whatsoever, in the Colony of Natal, and to sell, dispose of, alienate, transfer, grant, mortgage, charge, exchange, or lease, or take on lease, or otherwise

Cotton Plantation
Company incor-
porated.

May hold lands,
sell, mortgage,
&c.

Cotton Plantation Company.

Transfers to be
passed by
manager.

deal with, all or any part of such immoveable property in the said Colony, or for any estate or interest therein, from time to time, and in such manner as the directors of the said Company may think fit: Provided always, that all acts, deeds of transfer, mortgage, and other bonds proper for registration, shall be passed by the manager for the time being of the said Company in Natal, when duly authorised thereto by the directors of the Company under the corporate seal of the Company, or his attorney duly authorised on that behalf: And further, all contracts, leases, and other acts and documents made and entered into by the directors of the said Company, and not proper for registration, shall, when authorised in like manner, under the corporate seal of the Company, be entered into, done, and performed by the manager of the Company for the time being, in Natal, or by his duly authorised attorney: Provided always, that no special authority shall be required by the manager for any contract, lease, or any other act or document not proper for registration, into which he may on behalf of the Company enter with any person.

Manager may
enter into
contracts.

2. And the said manager shall and may, when generally empowered thereto by the directors of the Company, under the corporate seal of the Company, in the name of the said Company, enter into and contract with any person or persons willing to contract with the said Company, for any of the following purposes, namely:

The cultivation, growth, and delivery of cotton, coffee, and other tropical produce.

To build, erect, fit up, and dispose of houses, buildings, machinery, gins, presses, and other apparatus.

To charter, freight, hire, purchase, acquire, and provide British and other vessels for any purposes of the Company, and to insure any of the same ships, and any ordinary part of the cargoes thereof, with any insurance company or companies carrying on business in this Colony or elsewhere.

And to do all such other things whatsoever of the like sort, or otherwise, which the said Company from time to time may consider to be incidental or conducive to the attainment of any of the objects aforesaid, or otherwise, for the advantage of the Company.

Company to sue
and be sued in
corporate name.

3. The said Company shall sue and be sued by its corporate name in respect of any claim by or upon the Company upon or by any person, and whether a member of the Company or not, so long as any such claim shall remain unsatisfied; and service of any notice or notices or process or processes whatsoever on the manager for the time being of the said Company resident in Natal, or at the offices of the said Company in Natal, shall be deemed and taken to be good and sufficient service of such notice or notices, process or processes on the said Company.

Process to be
served on manager,
or at office
of Company.

Manager's goods
may be taken in
execution for
Company's debts
not exceeding
£15.

4. If sufficient goods of the Company cannot be found whereon to levy for any judgment, costs, and expenses payable by the Company, the same may, if the amount thereof do not exceed fifteen

Cotton Plantation Company.—Durban Corporation.

pounds sterling, be recovered by execution against the goods of the manager for the time being of the Company; but no such execution shall issue against the goods of such manager, unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, shall have been given to such manager, or left at his residence; and if such manager pay any money under such execution as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money or property belonging to the Company coming into his custody or under his control, or he may sue the Company for the same.

5. In any criminal prosecution, preliminary enquiry or proceeding, or in any warrant, indictment, or other proceeding at law, it shall be sufficient if any goods or other things which shall or may be set out in any such indictment, warrant, or other proceedings shall be described and laid to be the property of the Company; and the Company shall be described therein by its corporate name.

In any judicial process, goods may be described as the property of the Company.

6. This Law shall be taken to be a Public Law, and shall be recognised as such in all Judicial Courts in this Colony; and shall commence and take effect from and after the publication thereof in the *Government Gazette* of this Colony.

Law to be a Public Law; and commencement thereof.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

(Signed) J. SCOTT.

Law to enable the Council of the Borough of Durban to Fence Erven or Sub-divisions of Erven situate within the Borough along the Line of Streets, at the Cost of the respective Proprietors thereof: And to enable the Council of the said Borough to recover the expenses incurred by it in so doing.

WHEREAS from the nature of the soil on which the Town of Durban is situated, great difficulty is experienced in controlling the drift sand within due limits, and keeping the Foot-paths clear of such drifts: And for improving the Town in this respect it is necessary to compel the owners or occupiers of erven, or sub-divisions of erven, situate on the line of streets within the Borough, to fence in the same along such line, in order to preserve the Foot-paths, and to control the drift of sand:

Preamble.

And whereas there is no Law or Bye-Law by which the Council of the Borough may or can effect the improvement contemplated, or

Durban Corporation.

by which the occupiers or owners of the several plots of land may be compelled to fence in the same, and it is expedient and necessary for the health and comfort of the inhabitants of the said Borough, and the improvement of the Town, that the Council thereof shall have and be invested with sufficient power and authority to call on and require all owners or occupiers of such before-mentioned plots of land to fence in the same along the line of the several respective streets; and, in the case of proprietors and others who neglect or fail to comply with the request of the Council in this respect, that the Council should also be invested with authority to apply such portion of the "Borough Fund" as may be necessary to and for the purpose of erecting such sufficient fences for the purposes aforesaid, and that they shall be empowered to recover the cost of making and constructing or repairing the same from the proprietors or occupiers along the line of whose plots such fences shall or may be erected:

Be it enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows, that is to say:

Council of the Borough of Durban may order owners and occupiers of erven to fence the same.

1. It shall and may be lawful for the Council of the Borough of Durban, on the passing of this Law, to require all owners or occupiers of erven, or sub-divisions of erven, situate within the Town of Durban, and along the line of any street where foot-paths have been constructed, or shall at any time be in course of construction, who shall or may not have a good and sufficient fence, to erect and maintain along such line a good and sufficient fence, to enable the Council to control the drifting of sand, and to preserve the footpaths from destruction along the line of such plots of land.

Council shall fix a time within which fences to be completed.

2. The Council shall, from time to time, as the same shall be deemed necessary, fix a time within which such fences shall be erected and completed, and within which all dilapidated fences shall be repaired, and shall give public notice thereof, specifying the particular plots of land, which require such fence and repairs, in the *Government Gazette* and one local newspaper, once a week, during one month, at least, prior thereto.

Council may call for tenders for erection and repair of fences.

3. If within two months after the expiration of such time as shall be fixed by the Council as aforesaid, such notice be not complied with, the Council shall and may publish in the *Government Gazette*, and one other local newspaper, the names of the proprietors and occupiers, or either, of the said plots, and the number and description of the same, stating the lengths of the line of fences required, and shall in such notice call for tenders, to be delivered on a day the Council shall, by such notice, fix, from parties willing to tender for the erection of such good and sufficient fences and repairs to dilapidated fences, as the Council shall require: Such fences to be erected, and such dilapidated fences to be repaired, within six weeks from the acceptance of such tender.

After acceptance by Council of tender, person affected cannot erect or repair fences without the consent of the Council.

4. After the acceptance of any such tender by the Council, it shall not be lawful for any person, affected by such notice or tender, to avoid the same or the consequences thereof by himself erecting any fence, or by repairing any dilapidated fence without the consent of the Council in writing first obtained.

Durban Corporation.

5. The Council shall and may authorise such contractor and his servants, or persons in his employ, to enter upon any lands for the purpose of erecting or repairing such fences.

Council may authorise contractor to enter lands.

6. If any person shall wilfully obstruct or prevent the erection of such fence or fences, or shall wilfully injure or destroy the same, by any act whatsoever, he shall be liable to a penalty not exceeding the sum of five pounds, which shall be recoverable in the same manner as any other penalty may be recoverable under any Law or By-Law now in force within the Borough—such penalty to be paid to and for the benefit of the “Borough Fund.”

Penalty of £5 for obstructing the erection of or destroying fences.

7. On the completion of such work, and after final settlement with the contractor or contractors for such erections or repairs, the Council shall apportion all the expenses attendant thereon, including the costs of advertisements in proportion to the length of each fence and the nature of such repairs, and such sum so apportioned shall be in the nature of an assessment on the property on which such expenditure has been made: And the same shall be published by the Council in the *Government Gazette* at least one month before payment of such apportionment shall be enforced: Provided, however, that if the said fence should require repairs or renewal within three years of its erection the Council shall not have power to compel the occupier or owner to pay for such repairs or renewal, but the Council shall repair or renew such fence at the expense of the Borough.

Council may apportion the expenses of erecting or repairing fences.

8. Such charges or apportionment shall be paid by the occupier of the property, or, in case there shall be no occupier, then by the owner thereof, and until paid shall be a charge against the property in every respect as if the same were a Borough rate.

Apportionment to be paid by owner or occupier.

9. It shall be lawful for any owner or occupier, or his responsible agent, affected by this Law, on any day during office hours to demand from the Town Clerk the inspection of the details of any charges or apportionment against the property of any such owner or occupier, and such owner, occupier, or agent shall also be entitled to make copies thereof without fees.

Owner or occupier may demand inspection of details.

10. In all cases of appeal against such apportionment, and for the collection and enforcing payment of the same, the Council are hereby empowered and authorised to proceed against the owners and occupiers of erven for claims accruing to them under this Law, in the same manner as is provided by the 106th, 107th, 108th, 109th, 110th, 111th, 112th, and 113th Sections of the Law No. 21, 1862, made and enacted in the case of appeal against and for the collection of rates, and in as full and ample a manner as if the same clauses were herein again enacted for the enforcement of the payment of claims arising under this Law.

Sections 106-113 of Law 21, 1862, applicable to such apportionment.

Vide Law 19, 1872.

11. In this Law the word “fence” shall be taken to mean a rough post and rail, or other fence: When such fence shall be erected by the Council on behalf of, or at the expense of owners or occupiers, then the charge for such fence to be recovered by the Council shall not exceed five shillings per running yard.

Interpretation of the word, “Fence.”

12. Nothing this Law contains shall be taken to apply to or include any land being the property of Her Majesty's War De-

Not to apply to land belonging to or in the occu-

Durban Corporation.

passion of the
Imperial or Colonial Government.

To be a public
Law; and com-
mencement
thereof.

partment or of the Colonial Government, nor to any land in the occupation of Her Majesty's Government or the Colonial Government.

13. This Law shall be taken to be a Public Law, and shall be recognised as such in all Judicial Courts in this Colony, and shall be in force on and after the date of the publication thereof in the *Government Gazette*.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

Law to enable, authorise, and empower the Council of the Borough of Durban to negotiate, contract for, and raise a Loan, either in England, this Colony, or elsewhere, not exceeding the sum of Fifty Thousand Pounds Sterling.

Repealed by Law 24th August, 1865, § 1.

PRIVATE LAW.

(Signed) J. SCOTT

Law to authorise the Council of the Borough of Durban to grant Leases, without submitting the same to Public Competition, in lieu of and in exchange for other Leases granted by the Council, of Land now claimed by Her Majesty's War Department: And also to enable the Council to take on Lease for Public Purposes any Lands or Houses situate within the Borough.

Preamble.

Vide Law 21,
1861, § 1; Law
21, 1862, § 1; and
Law 19, 1872, § 2.

WHEREAS under the Ordinance No. 1, 1854, and the Laws No. 21, 1861, and No. 21, 1862, Municipal Corporations in the Colony of Natal were authorised to Lease Corporate Lands provided such Leases were sold by public competition;

Durban Corporation.

And whereas several plots of land have from time to time been so granted and disposed of by the Council of the Borough of Durban, and the Officer in charge of Her Majesty's War Department in this Colony has claimed such or a portion of such plots of land as property belonging to or set aside for the use of Her Majesty's War Department in Natal; and the tenants or occupiers have been served with notice to remove from such land, and it is desirable that the Council of the said Borough should be authorised to make compensation by the granting of leases of other lands in lieu of the plots, or portions of plots, so claimed as aforesaid, where and in such cases as the tenants, sub-tenants, or occupiers may be willing to accept such as compensation.

And whereas in some cases it may be necessary to lease such plots or portions of plots so claimed by Her Majesty's War Department, from the said department: And further, that the Council of the said Borough should, for public purposes, be empowered to take leases of lands or houses situate within the Borough:

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall and may be lawful for the Council of the Borough of Durban, anything in Law No. 21, 1862, Section 70, contained to the contrary notwithstanding, to grant to any lessee of any plot or plots of land or portions thereof, which shall or may be found to overlay any land belonging to Her Majesty's War Department or to the Colonial Government, held under any existing lease or leases from the said Council, and which shall have been or which may hereafter be claimed by Her Majesty's War Department or by the Colonial Government, and for such lessee to contract for, and to receive from the said Council a new lease or leases of other plots of Corporation land, for all the rest, residue, and remainder of the unexpired term of said lease or leases, and in such other situations or parts of the Town Lands of the said Borough, as may be determined and agreed upon by and between the said Council and such lessees, and without submitting the same to public competition: Provided, that previous to the granting such new lease, the circumstances of each particular case shall be submitted to the Lieutenant Governor, and his approval of a fresh grant or new lease shall have been obtained by the Council.

2. Such new lease shall, when executed, stand for and in place of the original lease, which shall thereon, as far as regards any such said land the property of Her Majesty's War Department or of the Colonial Government, become, *ipso facto*, void.

3. The rent payable by the lessee to the Corporation for such new lease or leases, shall be such as may be fixed and agreed upon by and between the contracting parties.

4. The Council of the said Borough (three-fourths thereof being present at a meeting specially convened for that purpose) may, and are hereby authorised to contract for, take, and hold on lease such aforesaid portions of land, the property of Her Majesty's War Department or of the Colonial Government, and again to grant a lease or leases, or sub-leases of the same; And the said Council

Council of Borough of Durban may grant leases of corporation lands to certain lessees whose leasehold land is liable to be recalled by the Imperial or Colonial Government, in lieu of their former leases, without public competition.

Vide Law 19, 1872.

Approval of Lieutenant Governor necessary.

Such lease to stand for the former lease.

Rent to be agreed upon between contracting parties.

Council may lease land of Imperial or Colonial Government, and sub-lease the same.

Durban Corporation.—Pietermaritzburg Corporation.

may likewise contract for, take, and hold on lease any lands, houses, or buildings situate within the limits of the Borough, provided the same be leased, taken, and held for the public purposes of the Borough.

Council may compensate lessees for losses.

5. The Council of the said Borough may from the Corporate Funds of the said Borough from time to time pay such sum or sums of money for any of the aforesaid purposes by way of compensation to any such lessee or lessees for any loss or damage which shall or may be shown to have been sustained by them, or any of them, as shall or may be deemed necessary by the Council.

Council may sub-lease or grant in use to any water or gas company lands they themselves hold on lease.

6. The said Council may sub-lease any buildings or lands held on lease by them, or may grant to any water or gas company which may be hereafter established for the supply of the Town of Durban with water or gas, the free use of such aforesaid leasehold land if they should think fit: Provided always, that the power hereby granted shall not be at variance with or contrary to any condition contained in the lease under which the said Council hold any such said buildings and lands; and further, should any of the said lands or buildings be the property of Her Majesty's War Department or of the Colonial Government, it shall not be competent for the Council to sub-lease the same without the consent and authority of Her Majesty's War Department or the Colonial Government, as the case may be, being first obtained thereto.

To be a public Law; and commencement thereof.

7. This Law shall be deemed a Public Law, and recognised as such in all Courts of Law in this Colony, and shall take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 16th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

(Signed) J. SCOTT.

Law to empower the Corporate Council of the Borough of Pietermaritzburg to raise by Loan or otherwise, either in this Colony or elsewhere, Moneys not exceeding the Sum of Fifty Thousand Pounds.

Preamble.

WHEREAS, the Corporation of the Borough of Pietermaritzburg are desirous of supplying the City with water, of improving the main roads thereof, hardening the footpaths and streets, paying their

Pietermaritzburg Corporation.

debts now owing, of endowing the Collegiate Institute of the City, of re-surveying the City and Town-lands, of erecting a Town Hall, and Bridge over the Little Bushman's River, and of executing other necessary public works within the said borough:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall be lawful for the Council to raise and take up by public competition upon debentures or such other instruments as may be deemed by said corporate body expedient, such sum or sums of money, not exceeding in the whole Fifty thousand pounds, as may be required for the purposes hereinbefore mentioned.

Council may raise £50,000 on debentures.

2. Every bond, debenture, or other security granted under this Law may bear any interest not exceeding Nine pounds for every One hundred pounds by the year, and such interest shall be payable at such times and places as may in such bond, debenture, or other security be covenanted and agreed to therein.

Interest not to exceed nine per cent.

3. Every such bond, debenture, or other security granted under this Law shall be signed on behalf of the Corporation by the Mayor and two Councillors, and countersigned by the Treasurer of the said Corporation.

How bonds to be signed.

4. All sums of money due and owing under this Law, together with such interest as may be due thereon, are hereby charged on and made payable out of the Town-lands of the Corporation of Pietermaritzburg and the general revenue of said Corporation, in preference to all other payments which now or hereafter may be charged upon the said revenue and town-lands.

Sums due by bond to be charged on revenues.
Vide Law 3rd Aug., 1866.

5. All sums lent under and by virtue of this Law shall be repaid within a period of Forty years from the respective dates of said loans.

To be repaid within forty years.

6. The Council shall pay out of the rents and general revenue of the Corporation, or out of the proceeds of the sale of such Town-lands as the Council for the time being shall think fit, as interest on said loans, such sums as shall not exceed Ten pounds five shillings per centum per annum on the total of the principal sums from time to time borrowed under this Law.

Council to pay interest.

7. The Council, after the payment of the interest thereout as the same shall from time to time become due, shall invest or cause to be invested the residue thereof as a sinking fund in first mortgages on immoveable property in Natal, in the repurchase of their own debentures, or in the public funds of Great Britain and its dependencies: and may invest or cause to be invested, the dividends, interest or annual produce arising from such investment, in the same manner as aforesaid, so that the same may be accumulated by way of compound interest.

Sinking fund for re-purchase of debentures.

8. The Council shall, out of the proceeds of the sale of Town-lands, make good any deficiency that may be found in the sinking fund at any of the respective times appointed for the payment of said bonds, debentures, or other securities.

Deficiencies therein to be made good out of proceeds of sales of town lands.

9. It shall be lawful for the Council to sell annually by public auction, and transfer, such extent of Town-lands as may be requisite for the purpose of raising either the whole or a part of the funds necessary to meet the requirements under this Law.

Town lands may be sold.
Vide Law 3rd Aug., 1866.

Laws Repealed.

To be a public
Law; and
commencement
thereof.

10. This Law shall be taken to be a Public Law; and shall be in force on and after the publication thereof in the *Government Gazette*.

Given at Government House, this 26th day of September, 1864.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

Law for empowering the Natal Coal Company to purchase and take on lease Lands for Mining Purposes; to carry on Mining Operations; to construct and maintain a Railway from Pietermaritzburg to the Coal Districts in the County of Klip River; to purchase, sell, hold, own, and charter Ships for the Exportation of Minerals; and for conferring on the Company certain Privileges and concessions.

Repealed by Law No. 5, 1872, § 56, and Law No. 6, 1874, § 1.

PRIVATE LAW.

Law to authorise the Natal Railway Company and the Natal Central Railway Company (Limited) to contract for the Sale and Purchase of the Line, Rolling Stock, Plant, Leases, and Effects of the Natal Railway; and to make Provisions for carrying any such Contract into effect.

Repealed in the repeal of the Law following.

PRIVATE LAW.

Law for empowering the Natal Central Railway Company (Limited) to construct a Railway between the City of Pietermaritzburg and the Borough of Durban.

Repealed by Law No. 5, 1872, § 56, and Law No. 6, 1874, § 1.

Limited Liability Law (Special Partnerships).

LAW No. 1, 1865.

(Signed) JOHN MACLEAN.

Law to Limit the Liability of the Members of certain Partnerships.

WHEREAS it is expedient to limit, in certain cases and under certain conditions, the liability of the members of certain Partnerships, formed for the purpose of carrying on trade or business in this Colony :

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. Partnerships being Joint-Stock Companies, or being formed for the purpose of banking shall not come within the meaning of this Law.

Preamble.

Joint-stock and Banking Companies not to come within this Law.

2. Limited partnerships for the transaction of any mercantile, mechanical, or manufacturing business, or for agricultural or pastoral farming, except as hereinbefore excepted, may be formed within this Colony, upon the terms and subject to the conditions and liabilities hereinafter mentioned.

What partnerships to come within this Law.
Vide Law 18, 1865, § 1.

3. The said partnerships may consist of one or more persons who shall be called general partners, and shall be jointly and severally responsible as partners now are by Law, and who only shall be authorised to transact business and sign for the partnership, and to bind the same ; and of one or more persons who shall contribute to the common stock a specific sum in actual cash payment, or who shall agree to make himself or themselves liable for a certain sum at any time he may be called upon for such sum, and who shall be called special partners, and who shall not be personally liable for any debts of the partnership, except in the cases hereinafter mentioned, beyond the amount so paid in by them or for which they have made themselves liable : Provided, however, that nothing in this Law contained shall be deemed or taken to make a special partner liable for any debts contracted by the general partners previous to the formation and registration of such limited partnership.

Such partnerships may consist of one or more general partners, who shall be universally responsible, and of one or more special partners, who shall only be responsible for a certain sum.

4. Any persons forming such partnership shall make and severally sign a certificate, which shall contain the name or firm under which the said partnership is to be conducted, the names and residences of all the general and special partners, distinguishing who are general and who are special partners, the amount of capital which each special partner has paid in to the common stock, and for which he has made himself liable, as the case may be, the general nature of the business to be transacted, the time when the partnership is to commence and the time when the partnership is to terminate.

Special partners not to be liable for debts previously contracted.

All members of such partnership to sign a certificate, containing the firm, the names and residences of the partners, &c.

5. No such partnership shall be deemed to have been formed until a certificate containing the particulars as aforesaid shall be acknowledged by all the partners before a Justice of the Peace, and registered in the office of the Registrar of Deeds of the Colony, in a book to be kept for that purpose, open to public inspection ; and if the partnership shall have places of business situated in different

Such partnership not to be formed until such certificate shall be acknowledged before a Justice of the Peace, and registered in the office of the Registrar of Deeds,

Limited Liability Law (Special Partnerships).

All persons interested in such partnership to be liable as general partners if any false statement made in declaration.

A similar certificate to be made, acknowledged, and registered on every renewal of partnership.

Names of general partners only to be used in the firm.

Name of person retiring from the management may be retained in the firm.

Such withdrawal to be registered in office of Registrar of Deeds, and advertised in *Gazette*.

Suits to be prosecuted by and against the general partners only.

Exceptions.

Such partnerships not to be dissolved by agreement before the expiration of time specified in the certificate, unless notice thereof be registered, and published in *Gazette* and local newspapers.

divisions of the Colony, and there shall exist any office for the registration of transfers, debts, or other deeds in such divisions or any of them, then a copy of the aforesaid certificate, certified by the Registrar of Deeds of the Colony, shall be filed and registered in like manner in such deeds registry office in every such division; and if any false statement shall be made in any such declaration, all the persons interested in the partnership shall be liable, as general partners are under this Law, for all the engagements thereof.

6. Upon every renewal, or continuation of any such limited partnership beyond the time originally agreed upon for its duration, a certificate thereof shall be made, acknowledged, and registered in like manner as is hereinbefore provided for the original formation of limited partnerships, and in every such partnership which may be renewed and continued, but not renewed and continued in conformity with the provisions of this Law, all the partners shall be deemed and taken to be general partners, and liable, as general partners under this Law are, for all the engagements of the partnership.

7. In all limited partnerships, the business of the partnership shall be conducted, under a firm in which the names of none but general partners shall be inserted without the addition of the word "Company" or any other general term; and if the name of any special partner shall be used in such firm with his consent or privity, he shall be deemed and treated as a general partner: Provided nevertheless that any person retiring from the management and conduct of any mercantile, mechanical, or manufacturing business, or agricultural or pastoral farming which he may have established, not being specially excepted herein, may still continue a special partner therein without withdrawal of his name from the firm, and subject to the general provisions of this Law affecting special partners, shall be held to be a special partner in such business: Provided that in addition to compliance with such provisions as aforesaid he duly register in the office of the Registrar of Deeds, and also give public notice in the *Government Gazette* for not less than four consecutive weeks that he has withdrawn from the management and conduct of such business as aforesaid.

8. All suits respecting the business of such partnerships shall be brought and prosecuted by and against the general partners in the same manner as if there were no special partners, except in those cases in which it is provided in this Law, that the special partners shall be deemed general partners, and that special partnerships shall be deemed general partnerships; in which cases all the partners deemed general partners may join or be joined in such suits.

9. No dissolution of a limited partnership shall be held to have taken place, except by operation of Law, before the time specified in the certificate in the fourth section of this Law mentioned, unless a notice of such dissolution shall be registered in the Deeds Registry Office, in which the original certificate or the certificate of the renewal or continuation of the partnership was registered, and in every other registry office where a copy of such certificate was registered; and unless such notice shall also be published, for not

Limited Liability Law (Special Partnerships).

less than three successive weeks in the *Government Gazette*, and in some newspaper or newspapers, if there should be any published in the division or divisions in which the certificate in the fourth section mentioned, or the certificate of the renewal or continuation of the partnership, was registered; and if no newspaper shall, at the time of the dissolution, be published in any such division, then the notice of such dissolution shall be published for not less than three successive weeks in any newspaper published in the town or village nearest to the division or divisions in which such certificate was registered.

10. Every alteration which shall be made in the names of the partners, in the nature of the business, in the amount of capital thereof or in any other matter stated in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership which shall in any manner be carried on after any such alteration shall have been made therein, shall be deemed a general partnership, except renewed as a special partnership according to the provisions of this Law.

Every alteration of any matter contained in original certificate to be deemed a dissolution, unless made under the provisions of this Law.

11. No part of the sum which any special partner shall have paid into the capital stock, and which shall be stated in the certificates hereinbefore provided to be registered in the deeds registry office or offices, shall be withdrawn by him, or paid and transferred to him in the shape of dividends, profits, or otherwise, at any time during the continuance of the partnership, but any partner may annually receive interest on the sum so contributed by him, if the payment of such interest shall not reduce the amount of such capital below the amount originally paid in; and if after the payment of such interest any profits shall remain to be divided, he may also receive his portion of such profits: Provided, however, that if it shall appear that by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest thereon from the date when they were so withdrawn respectively.

No part of sum contributed by a special partner to be withdrawn by him, but interest thereon or profits may be paid.

12. A special partner may from time to time examine into the state and progress of the partnership concerns, and may advise as to their management, but he shall not transact any business on account of the partnership, or be employed for that purpose as agent, attorney, or otherwise; and if he shall personally enter into any transaction or make any contract respecting the concerns of the partnership with any person except general partners, he shall be deemed and treated as a general partner in relation to such transaction or contract, unless it shall be made to appear that in entering into such transaction or making such contract, he acted as a special partner only.

A special partner may examine into the condition of the business, and advise as to the management, but not enter into any contract, or act as agent for the Company; otherwise to be deemed a general partner.

13. The general partners shall be liable to account to each other, and to the special partners, for their management of the business, as other partners now are by Law.

General partners to be liable to account.

14. In case of the insolvency of any limited partnership no special partner shall under any circumstances be allowed to claim as a creditor until all the claims of all the other creditors of the partnership shall be satisfied.

In cases of insolvency of partnerships, special partners not to claim till company creditors satisfied.

Limited Liability Law (Special Partnerships).

Title of Law.

15. This Law may be cited for all purposes as "The Special Partnerships Limited Liability Act, 1864."

To be a public Law; and commencement thereof.

16. This Law shall be deemed and taken to be a Public Law; and shall be in force from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, Natal, this 22nd day of April, 1865.

By command of His Excellency the Lieutenant Governor,

(Signed) JOHN AYLIFF,
Acting Colonial Secretary.

LAW No. 2, 1865.*Law for making further provision for the service of the year 1864.*

LAW No. 3, 1865.*Law for making further provision for the service of the year 1865.*

LAW No. 4, 1865.*Law for making further provision for the service of the year 1865.*

LAW No. 5, 1865.*Law for applying a sum not exceeding £109,240 3s. 11d. for the service of the year 1866.*

LAW No. 6, 1865.*Law for making further provision for the service of the year 1866.*

Stallions at Large.

LAW No. 7, 1865.

Law for making further provision for the service of the year 1866.

LAW No. 8, 1865.

(Signed) J. W. THOMAS.

Law to prevent the Running at Large of Stallions.

WHEREAS, horse breeding, an important and increasing branch of colonial stock-farming, is materially injured by the indiscriminate running at large of stallions: And whereas, it is expedient to pass a Law whereby such private and public injury may be prevented:

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. If any stallion, the property of or in the lawful possession of any person, shall stray upon any private or Crown land, or upon any village or town land not being within the boundaries of any Corporation subject to the provisions of Law No. 21, 1862, such person shall, upon conviction in the Court of any Resident Magistrate, become liable to a fine not exceeding fifteen pounds sterling.

2. Whensoever any stallion shall have been impounded, the poundmaster shall forthwith cause an advertisement to be inserted in the *Government Gazette*, and in one at least of the local newspapers published nearest the residence of such poundmaster, containing the description and probable value of said stallion, the date of impounding, and the name of the person who impounded the same; and shall further state that such stallion will be sold at the expiry of one month from the date of such advertisement, unless previously released.

3. Any stallion advertised as aforesaid, and not claimed within twenty days from the date of the advertisement, shall be valued by some competent person appointed by the Resident Magistrate; and, if valued at less than the sum of twenty pounds, shall then forthwith be castrated by some person who may previously have been accustomed to perform such operation: Provided always, that no poundmaster shall be held responsible for the injury or death of such stallion resulting from such castration.

4. The poundmaster shall be entitled, in addition to the ordinary pound fees, to charge the expense of valuation and castration provided for in the last preceding section; but in no case shall the total sum so charged exceed the sum of forty shillings.

5. Any person impounding any stallion running among the impounder's mares, shall deliver to the poundmaster a statement in writing containing the name of the farm on which, and the date when any stallion was found so running. And every such pound-

Preamble.

Vide Law 25,
1874, § 46.

Owner of stallion
trespassing liable
to fine of £15.

Vide Law 21,
1862.

Poundmaster to
advertise particu-
lars of every
stallion im-
pounded.

Vide Law 25,
1874, § 34.

Such stallion, if
not claimed
within twenty
days, to be cas-
trated, if under
£20 in value.

Poundmaster not
to be responsible.

Poundmaster
entitled to
charges of cas-
tration.

Name, &c., of
owner of stallion
impounded to be
transmitted to
Clerk of Peace.

Stallions at Large.—Increasing Powers of Justices of the Peace.

master, after he has ascertained the name of the owner, or of the person having lawful possession of such stallion, shall transmit said statement, together with the name of the person impounding the said stallion, and of the owner or person having lawful possession thereof, to the Clerk of the Peace of the county or division in which the owner of said stallion, or the person having lawful possession of the same, may be resident, or of the county or division in which said farm may be situate. And the Clerk of the Peace may prosecute at the public instance any such owner or other person as aforesaid under the first section of this Law.

Clerk of Peace
may prosecute.

Private person
may sue for
damages.

Meaning of
"Stallion."

Contraventions
of this Law,
where cogniz-
able.

Disposal of
fines.

Commencement
of Law.

6. Nothing in this Law contained shall prevent any person from suing for and recovering in any competent Court any damage he may have sustained by reason of the trespass of any stallion.

7. The word "stallion" in this Law shall mean and include any stone horse above the age of two years.

8. All contraventions of this Law shall be cognizable in any Court of Resident Magistrate in any county or division within which the offender shall be resident, or where the offence shall have been committed.

9. All fines imposed by this Law shall be paid to Her Majesty, her heirs and successors; and, unless remitted, shall be applied to the uses of the Government of this Colony.

10. This Law shall take effect from and after the date of promulgation thereof.

Given at Government House, this 24th day of August,
1865.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 9, 1865.

(Signed) J. W. THOMAS.

Law to empower the Lieutenant Governor to nominate Justices of the Peace within the Colony to issue the Process of the Supreme Court, or any other competent Court, under Ordinance No. 5, 1852, for the Arrest of Persons about to leave the Colony, and for the Attachment of Property about to be removed therefrom.

Preamble.

WHEREAS, in consequence of the occasional absence on duty and otherwise of Resident Magistrates from the seat of magistracy, debtors have been enabled to escape from the Colony without having been arrested, and property has been removed without having been attached:

Transferring Ordinance Lands to Secretary of State.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

1. It shall and may be lawful for the Lieutenant Governor of this Colony, by any proclamation by him issued for that purpose, to nominate and appoint from time to time for each such county or division in the Colony as he should think necessary, as many Justices of the Peace as he shall think proper, for the purpose of issuing in said county or division all processes of arrest or attachment under said Ordinance No. 5, 1852.

Governor may
appoint Justice
of Peace to issue
process of arrest.
Vide Ord. 5,
1852.

2. Every Justice of the Peace when so nominated and appointed shall have and exercise the same power and authority under said Ordinance No. 5, 1852, as if he were a Resident Magistrate; and, for the purposes of said Ordinance shall be considered and taken to be a Resident Magistrate.

Such Justice to
be considered a
Resident Magis-
trate.
Vide Ord. 5,
1852.

3. This Law shall commence and take effect from and after the date of the promulgation thereof in the *Government Gazette*.

Commencement
of Law.

Given at Government House, this 24th day of August,
1865.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1864.

(Signed) J. W. THOMAS.

*Law for Transferring to one of Her Majesty's Principal Secretaries
of State the Powers and Properties vested in this Colony in the
Officers of the Ordinance.*

WHEREAS by divers grants, transfers, leases, contracts, or other means, divers lands, tenements, and properties within this Colony have been and now are vested in the Officers of Her Majesty's Ordinance: And whereas Her said Majesty has been pleased to signify her Royal wish and desire that all such lands, tenements, and properties as aforesaid should be transferred from the Officers of Ordinance and be vested in one of Her Majesty's Principal Secretaries of State:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows;

Transferring Ordinance Lands to Secretary of State.

All Ordinance lands in Colony transferred to Secretary of State.

1. All lands, tenements, and properties of every sort and description lying and being within this Colony, and now vested in or belonging to the Officers of Her Majesty's Ordinance, whether by the name of the principal Officers of Ordinance or by the name of the respective Officers of Ordinance, or by any other name or description whatsoever, and whether held by freehold, quitrent, leasehold, or any other tenure, are hereby transferred to Her Majesty's Secretary of State for the time being to whom Her Majesty shall think fit to entrust the Seals of the War Department, and to such last-mentioned Secretary of State, for the time being, for ever.

Contracts, &c., entered into with officers of Ordinance transferred to Secretary of State.

2. All contracts, covenants, and agreements heretofore made or entered into by any person or persons whomsoever with the said principal Officers of the Ordinance, or with the said respective Officers of the Ordinance, or any person or persons on their behalf as to or concerning any lands, hereditaments, estates, and property vested in or agreed to be purchased by the said principal officers, or by the said respective officers, or in any wise relating to the public service, shall in this Colony be deemed and taken to have been made or entered into with such Principal Secretary of State as last aforesaid, and shall be executed and enforced by him in like manner as if he had originally been party thereto instead of the said Officers of the Ordinance or other person or persons; and all proceedings whatsoever which have been or might, or may have been, commenced, taken, or done in the names of the said officers on behalf of Her Majesty, shall and may hereafter be commenced, continued, taken, and done in the name of such Principal Secretary of State as aforesaid in like manner (in the case of proceedings already commenced, taken, or done) as if he had originally been party thereto, instead of the said Officers of the Ordinance.

In deeds, Secretary of State may be designated by his official title.

3. In every contract, conveyance, grant, transfer, lease, or other assurance of any lands, tenements, or property with, unto, or by the last-mentioned Principal Secretary of State for the time being, and in every other deed or instrument relating to any lands, hereditaments, estates, or property, or in anywise to the public service to which the last-mentioned Principal Secretary of State for the time being shall be or shall be intended to be a party, it shall be sufficient to call or describe him by the style of "Her Majesty's "Principal Secretary of State for the War Department," without naming him.

Commanding Royal Engineer may execute deeds for Secretary of State.

4. All deeds, instruments, and writings of every sort or kind whatsoever relating to any lands, tenements, or properties within this Colony, or to any suits or proceedings at law instituted in any of the Courts of this Colony or to any matter or thing belonging to or connected with the administration of the War Department in this Colony, and to which deeds, instruments, or writings the Secretary of State aforesaid shall be, or shall be intended to be, a party, may be executed for and on behalf of the Secretary of State aforesaid for the time being by the commanding Royal Engineer for the time being commanding in this Colony: Provided that nothing herein contained shall be construed so as to prejudice or affect the validity of any deed, instrument, or writing signed by the last-

But deeds signed by Secretary of State or his attorney valid.

Electoral Franchise (Natives).

mentioned or by any other Secretary of State, or by any attorney lawfully appointed by the said Secretary of State to act for him in his official capacity within this Colony.

5. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*. Commencement
of Law.

Given at Government House, this 24th day of August,
1865.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 11, 1865.

(Signed) J. W. THOMAS.

*Law disqualifying certain Natives from exercising Electoral
Franchise.*

WHEREAS, the numerous Natives residing in this Colony are, by Preamble.
the twenty-eighth article of Her Majesty's instructions, given at Buckingham Palace on the Eighth day of March, One thousand eight hundred and forty-eight, under the Royal Sign Manual and Signet, placed under special control, and made subject to their own laws, customs, and usages, and are consequently only partially brought under the operations of the general Laws of the Colony:

And whereas, by Her Majesty's Letters Patent, given at Westminster the Fifteenth day of July, in the Twentieth year of Her Majesty's reign, erecting Natal into a separate Colony, and, amongst other provisions therein contained, constituting an elective Legislative Colony for the said Colony, it is by the said Letters Patent declared and ordained that every man above the age of twenty-one years, save and except certain persons disqualified by the provisions of the said Letters Patent, who possesses any immoveable property to the value of £50, or who rents any such property of the yearly value of £10, and who is duly registered, shall be entitled to vote at the election of a member for the said Legislative Council:

And whereas, it is contemplated to grant to the said Natives documentary titles to certain lands within the said Colony, by which many of the said Natives would become possessed of the property qualification required to exercise the electoral franchise under the said Letters Patent; and whereas it is deemed to be inexpedient that the said Natives should so largely and generally have the right

Electoral Franchise (Natives).

Law 11, 1864.
repealed by
Law No. 1865, §11.

of the electoral franchise, or that any of the said Natives should, so long as they continue subject to the special provisions of the aforesaid twenty-eighth article of Her Majesty's Instructions, exercise the said privilege; and whereas, by Law No. 11 of 1864, entitled, "For relieving certain Persons from the Operation of Native Law," provision is made whereby such Natives as shall have advanced to a higher degree of civilization shall be enabled, should they seem fit so to do, to take out certain letters of exemption by which they become exempted from the operation of Native laws, customs, and usages, and in their persons and property become subject to the general Laws of the Colony:

And whereas, for the before-cited reasons it is expedient, by Law, to exclude such of the Native population as shall continue subject to Native Law from claiming the electoral franchise, and to define which of the said Natives so exempted shall be entitled to claim the rights and privileges granted by the said Royal Letters Patent, and in these respects to alter or amend the provisions of the said Royal Letters Patent:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the consent of the Legislative Council thereof, as follows:

Natives not to have right of voting at election of members of Legislative Council.

1. Every male Native resident in this Colony, or having the necessary property qualification therein, whether subject to the operation of the Native laws, customs, and usages in force in this Colony or exempted therefrom, save as in this Law is provided, shall be disqualified from becoming a duly registered elector, and shall not be entitled to vote at the election of a member of the Legislative Council for any electoral district of the Colony of Natal.

Native in certain cases may apply to Lieutenant Governor for certificate entitling to registration as elector.

2. Any male native inhabitant of this Colony, who shall show to the satisfaction of the Lieutenant Governor that he has been resident in this Colony for a period of twelve years, or that he has been occasionally resident therein equivalent to a twelve years' residence, and who shall possess the requisite property qualification, and shall have been exempted from the operation of Native Law for a period of seven years, and who shall produce to the Lieutenant Governor a certificate signed by three duly qualified electors of European origin, as near as may be to the form in Schedule A hereto appended, and endorsed by a Justice of the Peace or Resident Magistrate of the district in which such Native resides, a statement to the effect that the Justice or Resident Magistrate endorsing said certificate has no reason to doubt the truth of said certificate, and that the persons signing it are credible persons, shall be entitled to petition the Lieutenant Governor of Natal for a certificate to entitle him to be registered as a duly qualified elector for that electoral division in the Colony in which such Native may possess the requisite property qualification.

Objections to natives' registration to be laid before Secretary for Native Affairs.

3. The Lieutenant Governor may direct that the application of any such Native be published in the *Government Gazette*, and call upon any person having objection to any such Native becoming a duly qualified elector to submit such objection in writing to the Secretary for Native Affairs, for the consideration of the Lieutenant Governor,

Electoral Franchise (Natives).

4. The Lieutenant Governor may make such rules and orders in and about the publication of any such application, and receiving, and entertaining, and deciding upon any objection thereto, as may to him seem necessary.

Governor may make rules.

5. The Lieutenant Governor may, at his discretion, grant or refuse to any Native applying in manner aforesaid for such certificate entitling him to be registered as a duly qualified elector: Provided always, no such certificate shall be granted unless it shall have been published, in manner described in clause three, at least three months previous to the granting thereof.

Governor may grant or refuse application. Three months' publication required, if granted.

6. Every male Native who shall have been exempted from the operation of Native Law, customs, and usages for a period of seven years, and who shall have obtained a certificate from the Lieutenant Governor entitling such Native to be registered as an elector, and who shall be possessed of the immoveable property qualification required by any Law in force for the time being in that behalf, shall be entitled to be duly registered as an elector; and, when registered, shall be entitled to vote at the election of a member of the Legislative Council for such district in which he may possess such property.

Such male native entitled to vote at elections.

7. Every male Native to whom such certificate shall have been granted by the Lieutenant Governor shall, so long as he may possess the requisite property qualification, and who shall not be convicted of treason or of any infamous crime, or of any crime which if committed in England would be felony, shall, subject to the provisions of Her Majesty's Letters Patent, given at Westminster the Fifteenth day of July, in the twentieth year of Her Majesty's reign, or any law in force for the time being in that behalf, be entitled to vote at the election of a member of the Legislative Council for the district in which he may possess such property qualification.

Such native shall continue so entitled so long as otherwise qualified.

8. This Law shall come into force and take effect on and after the publication, by proclamation of the Lieutenant Governor in the *Government Gazette*, of Her Majesty's assent to the same.

Commencement of Law.

SCHEDULE A.

Schedule.

CERTIFICATE.

We,
A. B., of
C. D.,
E. F.,
being duly qualified electors of European origin, and entitled to vote at the election of a member of the Legislative Council for the district of _____, do hereby certify that we have known A. B., of _____, for a period of over two years, and that the said A. B. is a loyal and well-disposed subject of the Crown; and that he has not, to our knowledge, been

Electoral Franchise (Natives).—Gunpowder Law Amendment.

convicted of treason or of any infamous crime, or of any crime which if committed in England would be felony; and we are not aware of any personal reason or of any impediment which should debar or prevent the said A. B. from being allowed to become entitled to vote for a member of the Legislative Council of the Colony of Natal.

A. B.,
C. D.,
E. F.,

Residence.

Profession.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 12, 1865.

(Signed) J. W. THOMAS.

Law to amend Law No. 12, 1862, entitled, "Law to amend the Law regulating the Dealing in Gunpowder."

Preamble.
Vide Law 12,
1862, § 3.

WHEREAS, a Law was duly made and passed in this Colony on the Twenty-ninth day of July, 1863, and numbered 14, 1863, entitled, "To amend Law No. 12, 1862, entitled, 'Law to amend the Law regulating the Dealing in Gunpowder:'" And whereas, by the third section of the said Law, it was enacted that the said Law shall take effect from and be in force for two years after the promulgation thereof in the *Government Gazette*: And whereas the said Law was duly promulgated in the *Government Gazette* of the 4th August, 1863, and will cease to be of any force or effect on the 4th day of August, 1865: And whereas, it is expedient to continue the powers vested in the Lieutenant Governor by the aforesaid Law No. 14, 1863:

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Governor may
appoint officer to
import gun-
powder, &c., for
Government.
Vide Law 6,
1876, §§ 8, 12.

1. From and after the commencement of this Law, it shall and may be lawful for the Lieutenant Governor of Natal from time to time and at all times to nominate and appoint some fit and proper person, being an officer of government, to import or bring by sea into Natal, gunpowder, percussion caps, and cartridges for and on behalf of the Colonial Government.

Gunpowder Law Amendment.—Traffic on Public Roads.

2. So much of said Law No. 12, 1862, as is repugnant to or inconsistent with the provisions made by this Law is hereby repealed.

Law No. 12,
1862, partly
repealed.

3. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement
of Law.

Given at Government House, this 24th day of August,
1865.

By command of His Excellency the Administrator of the
Government,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 13, 1865.

(Signed) J. W. THOMAS.

Law to regulate the Employment of Wagons and other Vehicles on the Public Roads and Streets within the Colony of Natal.

WHEREAS it is expedient to provide for the safety of travellers, to prevent the practice of riding or driving carelessly or furiously on public roads or streets, and to preserve in good order and repair the roads of this Colony :

Preamble.

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. The owner of every wagon, cart, or other vehicle used on any public road or street, shall affix or paint, or cause to be affixed or painted, in one or more straight lines, in legible numbers and letters respectively, not less than one inch in height, upon some conspicuous part on both sides of said wagon, cart, or other vehicle, his Christian and surname, together with a number on each wagon, cart, or other vehicle, if more than one, in his possession, and also his residence and the name of the county or division in which he resides : Provided, that nothing in this clause shall be construed to extend to any wagon, cart, or other vehicle used solely for the conveyance of private persons or passengers, or to any persons not resident or not having a place of business within the Colony.

Owner's name to
be painted on
wagons.

Exceptions.

2. Any driver, leader, or any other person who shall drive any wagon, cart, or other vehicle, or shall ride or drive any horse or other animal so carelessly, recklessly, furiously, or negligently as to cause hurt or damage to any person, or any wagon, cart, or other vehicle, or to any goods conveyed in any other wagon, cart, or other vehicle, or so as to endanger the safety of any person, animal, wagon, cart, or other vehicle, shall upon conviction thereof forfeit any sum not exceeding five pounds.

Furious or care-
less driving
punishable.

Traffic on Public Roads.

Rules for vehicles, &c., passing each other.

Passage of vehicles not to be obstructed.

No person to crack whips while horses, &c., passing.

Wagons, &c., to have brake and chain.

Brakes not to extend more than six inches.
Wagons not to have rem-schoens.

Ox-wagons to stop till wagons drawn by horses pass.

Unless ox-wagon has leader.

Wagon-driver, &c., breaking open boxes, &c., punishable with fine or imprisonment.

Without prejudice to being otherwise prosecuted.

Acts of omission or commission contraventions.

3. All drivers or leaders of any wagons, carts, or other vehicles, and all persons riding on horses or other animals, shall upon meeting, or being followed upon any road or street by any other wagon, cart, or other vehicles, or by persons riding on horses or other animals, keep upon the near or left side of the road or street, except as hereinafter provided under the provisions of this Law or any Bye-Law enacted by the powers hereinafter given: No driver or leader of any wagon, cart, or other vehicle, and no person driving or in charge of cattle, horses, oxen, or other animals, shall wantonly or unnecessarily prevent, hinder, or interrupt the free and rightful passage of any other wagon, cart, or other vehicle.

4. No person or persons shall crack any whips on any street of borough or town, or on any road, while any vehicle drawn by horses or mules, or any person riding on any horse, is passing along such road when near or close to such person having or using such whips.

5. Every wagon, cart, or other vehicle, save and except those used for conveyance of private persons, shall, so long as the same is used on any road or street, be provided with a brake and chain fit and sufficient for the purposes thereof.

6. No wagon, cart, or other vehicle used on roads, or on any street, shall have brakes extending further on either side than six inches beyond the wheels thereof; and no wagon, cart, or other vehicles used as aforesaid, shall apply or use on any road or street any wooden drags commonly called rem-schoens.

7. Every wagon, cart, or other vehicle drawn by any number of oxen more than two, and used on any public road or street, shall when meeting on any such public road or street any other vehicle drawn by horses be compelled to stop until such other vehicle shall have passed; Provided always, that it shall and may be lawful for every wagon, cart, or other vehicle drawn by oxen and used on any public road or street having a person actually leading the foremost pair of oxen when meeting such other vehicle to pass on without stopping.

8. Any wagon-driver, leader, or any other person employed in or about any wagon, cart, or other vehicle, who shall unlawfully break open any portmanteau, casket, bag, box, chest, bale, case, jar, or any other packet or parcel, or tap or bore any cask, barrel, or the like, or uncork any bottle or flask which may have been entrusted to himself or any other person, or may be under the charge of the owner thereof, for or in order for conveyance or transport in any wagon, cart, or other vehicle, shall be liable to a fine of five pounds, or to imprisonment for three months with or without hard labour: Provided that nothing herein contained shall diminish the liability of such persons to be sued or prosecuted, either civilly or criminally, by the owners of such goods, or any other or others who may be entitled to institute any such civil or criminal prosecution in respect thereof, in accordance with the laws of this Colony.

9. [Repealed by Law 31, 1874, § 3.]

10. Every breach of this Law, or any part thereof, and the omission to do any act, matter, or thing required to be done, and not so done under and in strict accordance with the provisions hereof, shall be deemed and taken to be contraventions of this Law.

Traffic on Public Roads.

11. All contraventions of this Law shall be cognizable in any Court of any Resident Magistrate of any county or division within which the offender shall be found, or where the offence shall be committed.

Contraventions,
where cogniza-
ble.

12. It shall be lawful for the Lieutenant Governor, by proclamation from time to time and at all times when he may consider necessary, and in his opinion as the construction of each particular bridge may require, to frame and make such bye-laws as the Lieutenant Governor may deem fit and necessary for regulating the traffic, and the passage of horses, cattle, and all other animals over all and every such particular bridge; and to enforce the observance of all such bye-laws by imposing any penalty for the contravention of any such bye-law not exceeding five pounds; and in default of payment of such fine, the Court imposing such penalty to have power to imprison the offender for any period not exceeding two months: Provided always, that no such bye-laws shall have any force or effect until the same shall have been published in the *Government Gazette*, and until the bye-laws in regard to any particular bridge shall have been printed, in words and figures not less than two inches in length, and displayed on notice boards affixed to both sides of every such particular bridge.

Governor may
make bye-laws
respecting traffic
on bridges.

Bye-laws to be
published.

13. Should any wagons or other vehicles be passing to and fro at the same time along any steep hill or cutting or other dangerous part of the road, the wagon or other vehicle coming down such hill or other dangerous place shall be obliged to stop at the most convenient place on either side of the road, and allow sufficient space for the wagon or other vehicle going up hill to pass; but should the driver of any vehicle drawn by horses or mules proceeding in the same direction wish to pass a wagon or other vehicle drawn by oxen, he may do so, after having called upon the driver of such last-mentioned wagon or other vehicle to stop.

Rules for passing
dangerous roads.

14. Natives passing along the roads carrying wood or other goods, or being dressed in their dancing or war costumes, or carrying a shield, shall leave the road whenever any person on horseback or with a wagon or other vehicle approaches them; and shall not by shouts, or by striking their shields, or by other movements or actions tending to frighten a horse or ox, endanger any rider or any wagon or other vehicle, or any person in or on the same.

Natives carrying
wood, &c., to
leave the road.

Not to frighten
horses, &c.

15. All fines imposed by this Law shall be paid to Her Majesty, her heirs and successors; and, unless remitted, shall be applied to the uses of the Government of this Colony: Provided, that the Resident Magistrate may in any case award and direct any portion not exceeding one-half thereof, to any person or persons who shall have given such information as may have led to the conviction of any offender.

Disposal of fines.

16. For any contraventions of this Law for which no special fine or other punishment is provided, the party, for every such contravention, shall forfeit any sum not exceeding ten pounds sterling. Whenever it shall appear to any Resident Magistrate by whom any fine shall be adjudged to be paid, that the person so fined is unable to pay the same, or has made default in the payment of

Penalty not
specified, to be
£10 or three
months' impris-
onment.

Traffic on Public Roads.—Natal Laws extended to Ceded Territory.

such fine, it shall be lawful for such Resident Magistrate to issue his warrant for committing such offender to gaol for any period not exceeding three months.

Commencement
of Law.

17. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ESKINE,
Colonial Secretary.

LAW No. 14, 1865.

(Signed) J. W. THOMAS.

Law to declare that the Laws of Natal shall take effect in the newly-annexed Territory ceded by Faku.

Preamble.

WHEREAS, by certain Letters Patent bearing date the Ninth day of December, One thousand eight hundred and sixty-three, it was declared that from and after a day to be named by the Officer administering the Government of the Colony of Natal in any Proclamation to be by him issued within the said Colony, the territories bounded as follows, that is to say:—

Boundaries of
Faku's territory
annexed to
Colony.

On the north-east by the Umzimkulu River, from the mouth of the said river to its junction with the Ibisi;

On the north and north-west by a line drawn from the said junction to the nearest point of the ridge or watershed dividing the waters of the Ibisi from those of the Umzimkulwana, thence along the said ridge to the Ingele range (keeping the watershed) to a large beacon (recently erected by the Surveyor General of the said Colony of Natal and Sir Walter Currie) at the western extremity of the said range, and thence straight to the nearest source of the Umtafuna;

On the south-west by the Umtafuna River, from the said source thereof to the sea; and

On the south-east by the sea, from the mouth of the Umtafuna to that of the Umzimkulu River:—

should, for all purposes whatever be annexed to and form part of the Colony of Natal:

And whereas, it is expedient that on the annexation of the said territories to the Colony of Natal the Laws of the said Colony should take effect and be in force therein;

Natal Laws extended to Ceded Territory.—Cancelling Servitudes.

Be it enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. All Laws which shall be deemed in force in this Colony on the day on which the aforesaid territory shall be annexed thereto shall, immediately upon such annexation, take effect and be in force in the said territory. Laws of Colony to take effect in annexed territory.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*. Commencement of Law.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 15, 1865.

(Signed) J. W. THOMAS.

Law to cancel and remove Certain Servitudes lately attaching to Certain Pieces of Land now the Property of the Colonial Government.

WHEREAS, it has been deemed desirable to purchase for the Colonial Government of Natal two certain pieces of land situate in the Borough of Pietermaritzburg and adjoining to the Government House; which said pieces of land are described in a certain deed of transfer, passed before the Registrar of Deeds on the Seventeenth day of February, One thousand eight hundred and sixty-five, by one J. R. Mostert, of Pietermaritzburg, in favour of the Colonial Government of Natal: Preamble.

And whereas, there were created by the original Government grant certain servitudes, real and personal; which said servitudes were imposed on said pieces of land, and which said servitudes are described in the schedule hereunto annexed: Narrates constitution of servitudes on Government House ground.

And whereas, the Mayor, Councillors, and Burgesses of the Borough of Pietermaritzburg were mainly interested in the existence of said servitude, and upon the sale to the Colonial Government agreed and consented, in the consideration of the sum of Fifty pounds sterling to them paid, to cancel and destroy said servitudes:

And whereas, doubts have arisen as to the power to cancel, destroy, and remove said servitudes, and it is expedient to remove the same:

§ T

Cancelling certain Servitudes.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Servitudes cancelled,

1. The servitudes in the schedule to this Law annexed shall be and the same are hereby cancelled and removed from said pieces of land in the preamble referred to; and the Colonial Government and their assigns shall hold and enjoy said pieces of land freed and discharged from the said servitudes created by the original Government grant, and imposed thereby on said pieces of land.

Mayor, &c. of Pietermaritzburg indemnified.

2. The Mayor, Councillors, and Burgesses of the said Borough of Pietermaritzburg are hereby freed and held harmless in respect to the said cancellation and agreement, and discharged from all liability from having agreed to the same.

Commencement of Law.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Schedule.

SCHEDULE.

Conditions and Stipulations upon which Landdrost and Heemraaden (by authority of the Council of the People) intend to sell, by Public Auction, by way of the Fall, a certain Piece of Ground, measuring Sixty feet square, situate at the Upper Side of the Upper Cross Street to Church Street eastward, in the Village of Pietermaritzburg.

1. This piece of ground is sold under the express conditions that the same shall not be used for any other purpose than for the erection of an overshot mill, of which the outer wheel shall be at least ten feet in diameter, and can grind at least six muids of grain in the twenty-four hours.

2. The mill must be built and be at work within the period of six months, reckoned from this day, on pain of forfeiting the purchase amount, and of the piece of ground being resumed and being resold; when the first purchaser will only be allowed to remove whatever he may have built on that ground.

3. So much water shall be allowed to run over the mill as can conveniently be done without injuring any of the erven in the village.

4. The purchaser or possessor of this ground shall be bound to take care that no dirt or impediment be caused to or by the water, to the injury or nuisance of his neighbours, or contrary to the village regulations already existing or hereafter to be made.

5. No kraal for enclosure shall be made on this ground, nor a butchery or tannery ever erected,

Cancelling certain Servitudes.

6. The watercourse, from the Groote to where it runs again on the ground above the first cross street, shall always be kept clean and in good order by the possessor, without leakage, so that no filthiness or nuisance be caused thereby; on pain of such fine as shall be imposed by the competent Court.

7. The owner of that ground shall not be allowed to turn more water to the mill than shall be allowed by the overseer of the water-courses, by partition, on pain as above.

8. The purchaser or possessor of the time shall take care that the mill can be continually worked, and is kept in a good state of repair, on pain as above.

9. He shall not refuse to grind for ready money for any person whomsoever; but the inhabitants of the village shall have the preference, according to the rule—first come first served; neither shall he refuse to grind all sorts of grain (corn or wheat having the preference); and when there is no corn on hand then maize, barley, or rye; but if there be any of these on the mill and corn comes in afterwards, then it must take its turn.

10. The purchaser or possessor of the mill shall not demand more for grinding than one rix-dollar for the muid of wheat, rye, or barley; and half-a-crown for maize, Kafir corn, or the like grain; and deduct no more than three pounds from the weight of the muid.

11. The building wherein the mill is placed must be tight, so that no injury by water or rain can be done to the grain brought there for grinding; the same shall also be provided with good doors, windows, and locks, so that no theft can be committed without violent breaking in; the possessor of the mill being always responsible for damage caused by him or through his neglect.

This framed and read over on the day of sale at Pietermaritzburg, the 6th July, 1841, Pieter Hendrich Kritzenger, sen., having become the purchaser of the said piece of ground for the sum of Rds. 360.

As purchaser:

(Signed)

P. H. KRITZINGER.

In my presence:

(Signed)

BOSHOF, *Landdrost*.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,

Colonial Secretary.

Judges' Pension Law.

LAW No. 16, 1865.

(Signed) J. W. THOMAS.

Law to regulate the Retiring Pensions of the Judges of the Supreme Court.

Preamble.

WHEREAS, no provision has been made for the retirement of the Chief Justice or other Judges of the Supreme Court of this Colony, and it is expedient that such provision should be made :

Be it enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Judges having served ten years entitled to retire with pension.

Vide Law 11, 1876 ; and Law 12, 1876, § 3.

Must be sixty years' old, or disabled by infirmity.

Vide Law 11, 1876, § 2.

May receive pension without having served ten years, if so disabled.

Services of Walter Harding as Recorder to be reckoned.

1. Any person having served the office of Judge of the Supreme Court for the full period of ten years, shall be entitled to retire from the said office, and to receive a pension to be ascertained, as follows, that is to say :—If he shall have served such office for a period of ten years or upwards he shall be entitled to a pension equal to one-half of the salary which shall have been paid to him for the three years immediately preceding his retirement, and if he shall have served for the period of fifteen years or upwards, then to a pension equal to three-fourths of such salary as aforesaid ; and if he shall have served for the period of twenty years or upwards, then to a pension equal to his full salary : Provided always, that no such pension shall be paid to any judge retiring before he shall have attained the age of sixty years, unless he shall be afflicted with some permanent infirmity disabling him from the due execution of his office : And provided further, that in case any person serving the office of Judge shall, before he shall have served for such full period of ten years, happen to be afflicted with any permanent infirmity disabling him from the due execution of his office, he shall be entitled to receive such pension as the Governor for the time being shall in the circumstances consider to be reasonable, such pension not exceeding one-half of the salary which shall have been payable to him at the time at which he shall have ceased to be able to discharge the duties of his office.

2. And whereas Walter Harding, Esquire, now Chief Justice of the Supreme Court of the Colony of Natal, was, when appointed to be Chief Justice, Recorder of the District Court of Natal : Be it enacted that, for the purpose of this Law, the services of the said Walter Harding, Esquire, in the said office of Recorder and Acting Recorder shall be reckoned as if they had been given by him as Chief Justice of the said Supreme Court of the Colony of Natal.

Judges' Pension Law.—Quitrents.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*. Commencement of Law.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 17, 1865.

(Signed) J. W. THOMAS.

Law for apportioning and redeeming Quitrents upon the Subdivision of Fixed Property.

WHEREAS, it is expedient that Law No. 4, 1858, be repealed, and that better provision should be made by law for apportioning and redeeming quitrents payable by or out of fixed property which may become or which may have become subdivided amongst several owners : Preamble.
Vide Law 23, 1868.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows, viz. :

1. Law No. 4, 1858, entitled, " Law for apportioning Quitrents upon the Sub-division of Fixed Property," and Law No. 7, 1859, entitled, " Law for amending the 3rd Section of Law No. 4, " 1858," shall be, and the same are hereby repealed. Repeal of Laws Nos. 4, 1858, and 7, 1859.

2. As often as the owner of any fixed property subject to the payment of quitrent shall, after the taking effect of this Law, sell or otherwise alienate any part of such property which shall have to be divided and laid off by diagram, the Surveyor General shall certify on the diagram of the subdivided portion, the amount of quitrent which the owner thereof shall pay annually, and he shall also certify and endorse on the original deed and diagram of the remaining portion of the property so subdivided the amount of quitrent for which such remaining portion shall thenceforth be liable and the quitrent so apportioned shall be determined and fixed rateably and equitably, according to the acreage transferred and retained, which shall for the future be payable by the seller and purchaser respectively : And in every transfer deed which shall be passed of such property, the amount of quitrent to be thenceforth payable from or out of the portion of such property as aforesaid On sale of portion of property. Surveyor General to divide quitrent and endorse it on diagrams. Vide Law 23, 1868.

Proportions to be embodied in deed of transfer.

Quitrents.

All proportions of quitrent less than twenty shillings must be redeemed.

Fractional parts of a pound, how computed.

Quitrents may be redeemed, although above twenty shillings.

On further subdivisions, first apportioned rent to be again apportioned.

No transfer to be passed till quitrent paid.

Vide Law 23, 1868, § 1.

Quitrent of land subdivided prior to this Law may be apportioned under it.

When rent of remainder of original grant apportioned, rent of subdivided parts also to be apportioned.

Rent on divided portion to be redeemed if under five shillings.

Also if under twenty shillings.

shall be certified and embodied: Provided that on no division of any property, except as hereinafter provided in section six of this Law, shall less than twenty shillings quitrent be or remain payable, and on every subdivision on which less than twenty shillings shall be or remain payable the same must be redeemed by paying to the Surveyor General a redemption fee, to be determined in accordance with the schedule hereunto annexed: And provided also that in any such apportionment on the final computation every fractional part of a pound less than a sixpence shall be fixed at sixpence, and every fractional part less than a shilling and over a sixpence shall be fixed at a shilling: And further provided also that it shall be lawful for the owner or owners as aforesaid to redeem the rent appertaining by apportionment as aforesaid, to any subdivision or remaining portion of quitrent property, notwithstanding that the amount thereof shall be twenty shillings sterling or upwards.

3. In all cases in which any share or portion of fixed property in regard to which the quitrent shall have been apportioned as aforesaid shall be again subdivided in any manner already referred to in this Law, then the rent first apportioned as aforesaid shall in its turn be again apportioned, certified, and endorsed in manner and form as aforesaid, and so on in regard to succeeding subdivisions, so long as such subdivisions shall continue to be made.

4. No transfer shall be effected of any subdivided piece of land subject to the payment of quitrent, unless the quitrent due thereon shall have been paid; that is to say, the quitrent due on the original grant in all cases of subdivision of such grant, or the apportioned quitrent due on any subdivided portion, in case of a further subdivision as provided in the last preceding clause.

5. The owner of any portion of a subdivided grant or piece of land subject to the payment of quitrent, which may have been transferred prior to the taking effect of this Law, or the owner of any remaining portion of such land, the quitrent of which land shall not have been apportioned, may at any time apply to the Surveyor General to have the quitrent and additional rent (if any) on such land apportioned and certified or redeemed in the same manner as provided for by section two of this Law.

6. In all cases in which the owner or owners of the remainder of any original grant shall have the rent appertaining to such remainder apportioned in accordance with section five of this Law, the Surveyor General shall at the same time also apportion the amount of rent appertaining to any subdivision or subdivisions of such original grant of which such rent shall then not have been apportioned: Provided always, that in accordance with sections two and seven of this Law, the rent on any such subdivision shall be redeemed when the amount shall be less than five shillings, and such redemption fee may be recovered by the party paying the same from the owner of the land on which such rent shall have been so redeemed: Provided further, that no transfer shall be effected of any such subdivided portion of land of which the apportioned quitrent shall amount to less than twenty shillings, unless such quitrent shall also have been redeemed.

Quitrents.

7. In all cases where the title of the grant shall contain a condition or stipulation for the payment of further or additional rent, as a fine for non-occupation or otherwise, such additional rent shall in every case of subdivision of such land and apportionment or redemption of the quitrent chargeable thereon, also be apportioned or redeemed and certified in like manner and at the same rate, and be thenceforth chargeable to the owners of the subdivided or remaining portions of such land and certified in the deeds of transfer in like manner as is provided by this Law with respect to the apportionment or redemption of quitrents: Provided always, that in cases of redemption of quitrents which shall be computed less than twenty shillings as provided in section two, or less than five shillings, as provided in section six of this Law such *additional rent* shall not be included in such computation, but be added to the amount of redeemable quitrent in the same proportion as above described.

Additional penal rent to be apportioned in like manner.

8. As often as the quitrent and additional rent (if any) payable by or out of any fixed property in its original extent shall have been apportioned in manner and form as by this Law provided, and as often as any further subdivision and apportionment of quitrent, as provided for in section three of this Law, or of additional rent (if any), shall have been effected, certified, and endorsed, then each share or portion of such property shall be chargeable with its share or proportion of such quitrent and additional rent (if any), according to such apportionment and no more, precisely as if such share or proportion had been originally granted subject to such apportioned amount of rent, and no more.

Additional rents not to be computed in redemption of quitrents under twenty and five shillings.

On further subdivision additional rent to be apportioned.

9. The Surveyor General shall keep a register of all cases of apportionments and redemption of quitrents, and additional rents made and certified by or with him under the provisions of this Law, setting forth the name of the owner, the description and extent of the land, the situation of the same, the amount of rent and additional rent chargeable thereon, and the date from which such charge shall commence; or, if the rent or rents shall have been redeemed, the date when it shall have been so redeemed, and the amount paid; and he shall also endorse all such apportionments or redemption of rent on the counterparts of the original deeds and diagrams of such lands filed in his office.

Surveyor General to keep register of apportionment and redemption of quitrents.

10, 11, & 12. [Repealed by Law No. 17, 1876, § 1.]

13. Whenever the owner of any remaining portion of subdivided property liable to the payment of quitrent and of additional rent (if any), shall have effected the apportionment or redemption of such rent or rents under the provisions of sections five, six, and seven of this Law, he shall have the right to claim from the owner of any subdivided portion restitution of the amount so paid for his share of the quitrent and additional rent (if any) so apportioned; and the production of the Surveyor General's receipt and certificate of apportionment shall be *prima facie* evidence that such amount was due and owing by the owner of such portion of subdivided property named in such receipt and certificate, unless proof to the contrary be adduced.

Owner of remaining portion apportioning on redeeming quitrent on subdivided portion entitled to claim indemnification from owner thereof.

Quitrents.

Commencement
of Law.

14. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Schedule.

SCHEDULE.

The fees payable for the redemption of subdivisions or remaining portions of quitrent property shall be determined as follows:

- A. On grants commonly known as registered grants ;
On land commission grants ;
Grants in terms of Proclamation of 22nd April, 1857 ;
On quitrent erven in Greytown ;

At the rate of fifteen times the annual quitrent set forth in the original deed of such grants.

- B. On grants in terms of Proclamations of 11th March and 7th July, 1856 ;

At the rate of twenty times the annual quitrent set forth in the original deeds of such grants.

- C. On grants in terms of Proclamations of the 29th April, 3rd July, and 7th September, 1857, and of Government Notice No. 66, dated 9th August, 1859 ;

At the rate of fifteen times the annual quitrent, and at the rate of seven times the additional rent or fine set forth in the original deeds of such grants :

Computed in proportion to the acreage of the subdivided or remaining portion of the grant, as defined by sections two, three, five, six, and seven of this Law.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Limited Liability Law Amendment.

LAW No. 18, 1865.

(Signed) J. W. THOMAS.

Law to amend Law No. 10 of 1864, entitled, "Law to limit the Liability of Members of certain Joint-stock Companies."

WHEREAS it is expedient to amend the said Law, and to make provision for the levying or enforcing execution, or other process in the nature of an execution, against the property or effects of any Joint-stock Company registered under the "Joint-stock Companies' Limited Liability Law, 1864:"

Preamble.
Vide Law 10,
1864.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. If any execution, or other process in the nature of an execution, shall be issued against the property or effects of any company registered or to be registered under the "Joint-stock Companies' Limited Liability Law, 1864," and if there cannot be found sufficient whereon to levy or enforce such execution or other process, then such execution or other process may be issued against any of the shareholders to the extent of the portions of their shares respectively in the capital of the company not then paid up; but no shareholder shall be liable to pay, in satisfaction of any one or more such execution or other process, a greater sum than shall be equal to the portion of his shares not paid up: Provided always, that no such execution shall issue against any shareholder except upon an order of the Court, or of a Judge of the Court, in which the action, suit, or other proceeding shall have been brought or instituted; and such Court or Judge may order execution to issue accordingly, with the reasonable costs of such application and execution, to be taxed by the taxing officer of the said Court: and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution at all reasonable times to inspect the register of shareholders without fee.

Execution may
proceed against
property of share-
holders to the
extent of their
unpaid-up shares.
Vide Law 10,
1864.

Order of Court
required.

Creditor may
inspect register
of shareholders.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement
of Law.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,

Colonial Secretary.

Mounted Burgher Force.

LAW No. 19, 1865.

(Signed) J. W. THOMAS.

Law to amend Law No. 26, 1863, entitled, "Law to promote the Establishment of a Volunteer Mounted Burgher Force for the Defence of the Colony."

Preamble.

WHEREAS it is expedient to alter and amend the Law No. 26, 1863 :

Be it therefore enacted by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Repeal of Law
No. 26, 1863.

1. Law No. 26, 1863, entitled, "Law to promote the Establishment of a Volunteer Mounted Burgher Force for the Defence of the Colony," shall be, and the same is, hereby repealed.

Mounted
Burgher Forces
may be formed.
Vide Law 15,
1872, § 43.

Governor may
prohibit their
assembly.

2. It shall be lawful for any number of persons, residing in any part of the Colony, with the sanction of the Lieutenant Governor, to form themselves into Mounted Burgher Forces, in the manner and for the purposes hereinafter described : Provided, that it shall always be lawful for the Lieutenant Governor, or any Resident Magistrate acting on his behalf, to dispense with, or, if necessary, to prohibit the assembling of any such force, or to suspend the operation of this Law in such locality and for such time as may be found expedient.

Governor Com-
mander-in-Chief.

3. The Lieutenant Governor for the time being shall be the Commander-in-Chief of the whole Burgher Force of the Colony.

Men and officers
of Burgher
Forces.

4. The Burgher Force of each county or division shall consist of volunteers between the ages of eighteen and fifty, and shall be officered by the Field Commandant of the county or division as commanding officer, and by the Field Cornets as ward or troop officers, who shall take rank as such according to their seniority as Field Cornets : Provided always, that if in any county or division there shall be no Field Commandant, or on occasion of the absence of the Field Commandant, the Resident Magistrate or the senior Field Cornet shall take command, and, for all the purposes of this Law, shall be deemed the commanding officer of the whole Burgher Force of the county or division.

Resident
Magistrate
Commandant
of his division.

How men
enrolled.

5. Every white male inhabitant who shall desire to enlist as a member of the Burgher Force shall apply for admission to the Field Cornet of his ward, and, if approved of by that officer, shall be forthwith enrolled by him, and thereafter furnished with a certificate of enrolment according to a form to be supplied by the Resident Magistrate of the county or division : Provided, that any applicant who shall be rejected by the Field Cornet may appeal to the Commission constituted under section fifteen of this Law against such rejection,

May appeal, if
rejected.

Mounted Burgher Force.

6. The Burgher Force of each Field Cornetcy shall assemble under the command of the Field Cornet, at such places and at such times as the Field Commandant shall appoint, to be instructed in such evolutions as to him shall appear requisite: Provided that such evolutions shall be in conformity to those practised by the Volunteer Burgher Forces throughout the Colony as may have been approved of and sanctioned by the Lieutenant Governor: And the whole Burgher Force of each county or division shall in like manner assemble at least once in each year for inspection, at a place and on a date to be appointed by the Field Commandant.

Musters and drill.

Force of county to assemble once a year.

7. Any member absenting himself from any ordinary ward muster without leave from the Field Cornet, or from any general muster without leave from the Field Commandant, excepting in case of sickness to be certified by a member, shall be fined in a sum not exceeding ten shillings, at the discretion of the officer in command.

Penalty for absence.

8. Any member who shall appear in the field when called out for actual service, or at any ordinary or general muster with his arms and accoutrements in an unserviceable or slovenly state, or whose horse shall not be found good and serviceable and trained to stand fire, shall be fined in a sum not exceeding twenty shillings, at the discretion of the officer in command.

Penalty, if arms, &c., unserviceable.

9. Any member guilty of insubordination, of disobedience of orders, or disorderly conduct when on duty shall, for the first offence, be fined in a sum not exceeding three pounds, and for every subsequent offence in a sum not exceeding five pounds, and may be expelled the force.

Penalty for insubordination.

10. Every member of the Burgher Force shall be bound at all times when called out by the Field Commandant or Field Cornet for burgher duty in any part of the county in which such member may reside, or in any part of the Colony not being more than twenty miles beyond the boundary of such county, to proceed to the appointed place of meeting without delay, and shall, for neglect of duty or disobedience of orders on any such occasion, or desertion, be punished by fine not exceeding ten pounds, or imprisonment, if the fine, be not forthwith paid, for a period not exceeding three months.

Members of Burgher Force must perform duty within, and twenty miles, beyond boundary of their county.

Penalty.

11. It shall be lawful for the Lieutenant Governor to cause pay to be issued to every member of the Burgher Force enrolled under this Law at a rate not exceeding six shillings a day for every day on which he shall be called out and shall attend muster, and not exceeding eight shillings per day, to include food for horse and man, when called out for actual service: Provided, that no such pay shall be issued to any member for more than ten days in each year, unless he shall be called out for actual service; and unless the efficiency of every Burgher Force, any member of which shall claim pay, shall be certified annually by the Inspector of Volunteers, after inspection, at a general muster of such Burgher Force.

Pay to be issued

Certificate of efficiency requisite.

12. The Field Cornet shall, in the first week in the month of January in each year, transmit through the Field Commandant, to the Resident Magistrate a copy of the muster roll of all members of the Burgher Force then resident in his ward, and the Resident Magistrate shall cause such muster rolls to be filed in his office.

Roll of members to be transmitted to Resident Magistrate yearly.

Mounted Burgher Force.

Members removing to other wards.

13. When any member shall remove from one Field Cornetcy or county into another, he shall, on production of the certificate of his membership to the Field Cornet of the ward he may remove to, be entitled to be enrolled in the book of such Field Cornet.

Members may withdraw on giving three months' notice.

14. Any person may withdraw from the corps of which he is a member on giving three months' notice in writing to the Field Cornet, provided that all fines due by such person shall have been paid previous to giving such notice.

Board to try offences.

15. The Field Commandant, together with the Field Cornets, or any two of them, shall form a Board to regulate all matters concerning the arms and equipments of the corps of which they are members; the Field Commandant shall preside as chairman of the Board, and in his absence one of the Field Cornets shall be elected to preside as chairman; and such Board shall be a Commission to try and, by a majority of votes, adjudge all offences committed under sections nine and ten of this Law, and such other offences against good order and discipline as may not otherwise have been provided for in this Law, subject, however, to appeal to the Court of the Resident Magistrate, whose decision shall be final: Provided that in the event of an equality of votes at any sitting of said Board or Commission the said Field Commandant or Chairman shall have a double or casting vote: And every judgment of the said Commission shall be enforced by the Resident Magistrate in like manner as are judgments pronounced by him.

Appeal to Resident Magistrate.

Casting vote.

Resident Magistrate to enforce judgment of board.

Records of adjudications to be transmitted to Resident Magistrate.

16. The records of all adjudications by the Commission, as in the preceding section mentioned, shall be forwarded within eight days from the date of such adjudication to the Resident Magistrate, duly attested by the signatures of the said Commission, to be filed by him in his office.

Penalties sued for in name of Field Commandant or Cornet.

17. All penalties imposed under any or all of the provisions of this Law may be sued for and recovered, in name of any Field Commandant or Field Cornet, in the Court of the Resident Magistrate having jurisdiction, and shall be applied for the benefit of the corps in such manner as shall be directed by the aforesaid Commission.

Who may compete for prizes.

18. No person shall be allowed to compete for any prize given to or by the corps of which he is a member, unless he shall have been enrolled six months previously.

Commencement of Law.

19. This Law shall take effect from and after the date of the promulgation thereof in the *Government Gazette*.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Transfer Duty.

LAW No. 20, 1865.

(Signed) J. W. THOMAS.

Law to exempt Growing Crops and Machinery from the Payment of Transfer Duty on being sold along with the Lands on which they are growing or to which they are attached.

WHEREAS it is the practice under and by virtue of the Law No. 5, 1860, entitled, " Law to amend the Law for regulating " the Payment of Transfer Duty on the sale and transfer of Im- " moveable Property," to charge Transfer Duty on the sale of growing crops and machinery where the same are sold along with the lands on which they are growing or to which they are attached :

Preamble.

Vide Law 5, 1860.

And whereas, growing crops and machinery are not in general defined by law to be immoveable, but to be moveable or personal property, and if sold separately from the lands are not liable to transfer duty :

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. That when lands on which any of the following crops shall be growing, that is to say, sugar-canes, cotton trees, wheat, barley, rye, oats, maize, or any other agricultural produce, whether the same consist of annual plants or fruit trees, or bushes bearing fruits or berries ; or any lands to which or to any buildings thereon any machinery shall be attached (whether such crops or machinery would in law be construed to be moveable or fixed and immoveable property) shall be sold along with such crops or machinery, no transfer duty shall be charged or exacted by the Registrar of Deeds or other receiver of transfer duty in respect of the price or value of such sugar-canes, cotton trees, growing crops, agricultural produce which shall be sown or growing on such lands, or of the fruits or produce of such fruit trees or bushes which shall be hanging thereon, or of any machinery which shall be attached thereto at the date of such sale, any thing contained or which may be construed to be contained in sections three and four, or in any other sections of the said Law No. 5, 1860, as authorising the exaction of transfer duty on such growing crops or machinery, to the contrary notwithstanding, and which are hereby repealed in so far as they may be inconsistent with the provisions hereof, but no further.

Growing crops and machinery exempted from payment of transfer duty.

Vide Law 5, 1860, §§ 3, 4.

2. That such exemption from the payment of transfer duty shall not be claimable (except in the case specified in the following section) unless a list or inventory of such crops and machinery in respect of which such exemption is claimed with a statement of the estimated values thereof at the date of the sale, certified as correct by a sworn appraiser, be set forth in a schedule to be annexed to the declaration of the seller and purchaser respectively ; and the purchase price required to be set forth in such declarations by said Law

List and valuation of such crops and machinery to be annexed to declaration of seller and purchaser.

Transfer Duty.

Vide Law 5,
1860.

Declaration of
accuracy.

Perjury.

Provisions to
enable Registrar
of Deeds to ascer-
tain true value.

Vide Law 5,
1860, §§ 16 and
19-22.

Declaration may
be dispensed
with.

Vide Law 5,
1860, §§ 16 and
19-22.

Meaning of
"sale."

Commencement
of Law.

No. 5, 1860, shall be taken and deemed to mean the purchase price of such lands under deduction of the estimated value of such crops or machinery : Provided that to all such schedules shall be appended the following or other words to the same effect : " I hereby solemnly " and sincerely declare that this schedule is true and accurate in " every respect and particular to the best of my knowledge and " belief ;" and such schedules shall be declared before and signed by the Receiver of Transfer Duty, Resident Magistrate, or Justice of the Peace by whom the declarations to which they are annexed are signed, and by the seller and purchasers or their agents, of even date with the declarations ; and any person wilfully and corruptly declaring and signing any such schedule, knowing the same to be untrue in any material particular, shall be deemed to be guilty of the crime of perjury, and shall upon conviction thereof suffer such punishment as shall be by law provided for the crime of perjury.

3. That all the provisions of section sixteen in reference to the dispensation by the Receiver of Transfer Duties, of the production of the declaration of seller or purchaser, of sections nineteen, twenty, twenty-one, and twenty-two of said Law No. 5, 1860, as to the ascertaining by him of the true value of any property transferred, and the powers thereby conferred upon him to enable him to ascertain such value, and all the other provisions of the said sections nineteen, twenty, twenty-one, and twenty-two shall be respectively applicable *mutatis mutandis* to the hereinbefore mentioned schedules, the valuations therein contained, and the other matters and things connected therewith or having reference thereto ; and the Receiver of Transfer Duty is hereby empowered to dispense with the production of the schedule hereinbefore referred to, or receive such schedule declared and signed by some person or persons other than the seller or purchaser or their agents, when and under the same circumstances as he shall or may dispense with the production of the declaration to which it would require to be annexed, or receive in lieu thereof the declaration or declarations of some person or persons other than the seller or purchaser under and by virtue of the said sixteenth section of said Law No. 5, 1860, and to employ the methods prescribed in said sections nineteen, twenty, twenty-one, and twenty-two thereof, in order to find the true value of any such crops or machinery if dissatisfied with the valuation put thereon.

4. That in this Law " sale " shall include barter or exchange.

5. This Law shall commence and take effect from and after the date of its promulgation in the *Government Gazette*.

Given at Government House, this 24th day of August,
1865.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Grass Burning.

LAW No. 21, 1865.

(Signed) J. W. THOMAS,

Law to prevent the Indiscriminate Burning of Grass.

WHEREAS the indiscriminate burning of grass on pasture or other lands is a public evil, and frequently attended with great injury to property, and it is desirable that grass-burning be regulated by law :

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

1. Any person who shall wilfully or carelessly burn grass on lands of which he is the owner or occupier, or which may be otherwise placed under his charge or supervision, and which fire shall extend beyond the boundaries of such property and cause damage to property of any other person shall be liable to a fine not exceeding ten pounds sterling.

Penalty for burning grass if fire extends beyond the parties' lands.

2. Any person who shall wilfully or negligently burn grass on public lands or property not belonging to him or not being in his occupation or under his superintendence shall be subject to a fine not exceeding twenty-five pounds sterling or to imprisonment with or without hard labour for a period not exceeding six months.

Penalty for burning grass on other people's lands.

Vide Law 9, 1870, § 14.

3. Any person burning grass on the commonage of any Corporation subject to the provisions of Law No. 21, 1862, without permission in writing previously obtained thereto from the Town Clerk or other officer of such Corporation duly authorised thereto by the Mayor and Council, or any person burning grass on private land so carelessly that the fire extends to and causes damage to private property of any other person within such Corporation, shall be liable to a fine not exceeding twenty-five pounds sterling, or in default of payment of such fine to imprisonment with or without hard labour for a period not exceeding six months.

Penalty for burning grass on Corporation lands without permission.

Vide Law 21, 1862.

4. All contraventions of this Law shall be cognisable in any Court of the Resident Magistrate in any County or Division within which the offence shall have been committed, and may be prosecuted either at the instance of the Public Prosecutor or on complaint of any other person in his private capacity.

Where and by whom prosecutions for grass-burning may be instituted.

5. All fines imposed by this Law shall be paid to Her Majesty, her heirs and successors, and unless remitted shall be applied to the uses of the Government of this Colony: Provided that the Resident Magistrate may in any case award and direct any portion, not exceeding one-half thereof, to any person or persons who shall have given such information as may have led to the conviction of any offender.

Disposal of fines.

Half may be awarded to informer.

6. Any person found in the act of setting fire to grass not being within land his property or in his occupancy or charge may be apprehended by any Field Cornet, police constable, or landowner, and forthwith brought before a Resident Magistrate or Justice of the Peace, to be dealt with according to law.

Person found firing grass may be apprehended.

Vide Law 9, 1870, § 14.

Grass Burning.—Durban Corporation.

Party damaged
by grass-burning
may sue for
damages.

7. Nothing in this Law contained shall have the effect to prevent any person who shall be injured in consequence of the burning of grass to recover damages by a civil action from the offender.

Commencement
of Law.

8. This Law shall have effect from and after the date of promulgation thereof in the *Government Gazette*.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 22, 1865.

(Signed) J. W. THOMAS.

Law to enable the Town Council of the Borough of Durban to sell or to lease Lands to the Colonial Government of Natal without putting up the same to Public Competition.

Preamble.

Vide Law 21,
1862, §§ 69, 70.

WHEREAS by the sixty-ninth and seventieth sections of the Law No. 21 of 1862, entitled, "Law amending and consolidating the "Laws in regard to Municipal Corporations," power is given to the Council of any Borough, with the consent of the Lieutenant Governor in writing, to sell land by public competition, and to lease land, provided such intended lease shall be duly notified, and offered for sale by public competition :

Vide Law 21,
1862.

And whereas it is expedient to amend the aforesaid Law No. 21 of 1862, and to extend the powers of the Council of the Borough of Durban in regard to the sale or lease of lands to the Colonial Government of Natal :

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Town Council of
Durban may sell
or lease lands to
Government.

1. From and after the passing of this Law it shall and may be lawful for the Town Council of the Borough of Durban, with the consent in writing of the Lieutenant Governor, to sell or to lease to the Colonial Government of Natal any portion of the lands of the Corporation without previous publication, and without submitting the same to public competition, and upon such terms, and for such period and at such rates as may be agreed upon between the said

Durban Corporation.—Masters and Servants.

Town Council and the said Colonial Government: Provided always, that any lands so required to be leased or sold shall be used by the Colonial Government for a line of railway only.

Government to use such lands for railway.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 23, 1865.

(Signed) J. W. THOMAS.

Law to facilitate the Determination of Complaints between Masters and Servants.

WHEREAS it is expedient to afford greater facilities than now exist for the hearing and determining of Complaints by Masters or Employers against their Servants and Apprentices, and by Servants and Apprentices against their Masters or Employers, and for this purpose to enable the Lieutenant Governor to appoint from time to time as to him shall seem fit persons to administer and carry out some of the powers and authorities conferred on the Resident Magistrates of this Colony by the Ordinance No. 2, 1850, but so as to ensure the inhabitants of the Colony easy access to the persons so appointed by reason of their nearer residence to them than to the seat of the Resident Magistrate:

Preamble.
Vide Law 15, 1871, § 29.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

Vide Ord. 2, 1850.

1. The Lieutenant Governor may, by writing under the hand of the Colonial Secretary, authorise and appoint any person residing in any part of this Colony to carry out and administer the provisions of the first, third, and fourth chapters of the Ordinance No. 2, 1850, entitled, "Ordinance for regulating the relative rights and duties of Masters, Servants, and Apprentices," and the provisions of Law No. 18, 1862, entitled, "Law to declare the Law in respect to Ordinance No. 2, 1850."

Governor may appoint any person as judge in cases of master and servant.

Vide Ord. 2, 1850, caps. 1, 3, 4.

Vide Law 18, 1862.

Masters and Servants.

Such person to have powers of Resident Magistrate.
Vide Ord. 2, 1850, caps. 1, 3, 4; and Law 18, 1862.

Except power of inflicting corporal punishment.
Vide Ord. 2, 1850, cap. 4, § 3.

Governor may define limits of such jurisdiction.

Magistrate's jurisdiction reserved.

Lieutenant Governor may withdraw appointment.

Such person may be appointed a Justice of Peace.

Must keep written records of cases.

Records to be transmitted to Attorney General.

May issue summonses and warrants.

Rules of Resident Magistrate's Court to apply.

2. Every person so appointed shall have all and singular the jurisdiction and powers as are by the said Ordinance No. 2, 1850, vested in any Resident Magistrate by the provisions of the first, third, and fourth chapters of the said Ordinance and by Law No. 18, 1862, aforesaid, in precisely the same manner, to all intents and purposes, as are now vested in any Resident Magistrate: Provided always that in no case shall the person so appointed inflict the corporal punishment of whipping included among the punishments authorised under Ordinance No. 2, 1850, chapter four, section three.

3. The Lieutenant Governor may, by Proclamation, define the limits within which any person so appointed by him shall exercise the powers conferred under this Law, and may from time to time alter or change such limits: Provided always, that nothing herein contained shall prevent the complainant in any case from bringing his complaint before the Resident Magistrate of the County or Division in which the complainant may be resident or may be in service.

4. The Lieutenant Governor may, at any time, withdraw the appointment of any such person, and thereupon the powers and authorities of such person under this Law shall cease.

5. The Lieutenant Governor may in such letter of appointment direct that the person so appointed shall, so long as he shall hold such office, exercise the power and authority of a Justice of the Peace under Ordinance No. 6, 1846.

6. Every such person shall keep true records in writing, according to the forms prescribed for Resident Magistrates, of the evidence and proceedings and of his judgment and decision in every case of complaint by a master or employer against his or her servant or apprentice and *vice versa* by any servant or apprentice against his or her master or employer.

7. Every person so appointed shall at the end of every month transmit to the Attorney General the record of cases adjudicated upon by him during such month, and in every case when called upon the evidence taken by him in any such case: Provided always, that the Attorney General may at any time call upon any person so appointed for the record of any case and the evidence adduced at the hearing thereof.

8. Every person appointed by the Lieutenant Governor under the provisions of this Law shall, for the purpose of carrying out the objects of this Law, have authority to issue summonses or warrants under his hand and cause the same to be served and executed by such officer or officers as he may think proper to employ for such purposes, and every such officer so employed may perform the same duties as are performed by the Messenger of the Court of the Resident Magistrate or by any constable.

9. The rules of the Resident Magistrate's Court shall apply in all cases, as far as practicable, where it shall be requisite for the person appointed under the provisions of this Law to observe any rule as to terms of documents and time and mode of procedure and service.

Masters and Servants.—Attorney's Charges.

10. Any warrant issued under the hand of the person appointed under the provisions of this Law shall have the same effect as any warrant of the Resident Magistrate of the County would have.

Effect of warrant issued.

11. This Law shall commence and take effect from and after promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 24, 1865.

Law for authorising the expenditure of a sum not exceeding £10,000 towards the Construction of the Works to improve the Harbour of Natal.

LAW No. 25, 1865.

(Signed) J. W. THOMAS.

Law to repeal Ordinance No. 32, 1846; and to amend the Law in regard to the Charges of Certain Officers of the Supreme Court.

WHEREAS, it is expedient to repeal the Ordinance No. 32, 1846, entitled, an "Ordinance for amending the Law regarding certain Rules of Court;" the same being virtually superseded by the Law No. 10, 1857, entitled, a "Law for the Better Administration of Justice within the Colony of Natal;" and also to enact and regulate by law the charges to which certain officers and practitioners of the Supreme Court shall be entitled in respect of particular business and cases:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. Ordinance No. 32, 1846, and Law No. 10, 1857, and any rules made thereunder, shall be and the same are hereby repealed, in so far as any of the provisions of said Ordinance No. 32, 1846, and said Law No. 10, 1857, or any rules made thereunder, shall be repugnant to the provisions of this Law.

Ordinance No. 32, 1846, and Law No. 10, 1857, partly repealed.

Attorney's Charges.

Attorney's charges in provisional cases, as per schedule.

Private person may act as attorney or advocate in his own case.

Remuneration of person suing as executor or trustee.

Commencement of Law.

2. No attorney or attorney and advocate practising in the Supreme Court shall be allowed in any provisional case founded on any liquid document of debt (mortgage bonds excepted) to charge more than the fees marked in the schedule hereto annexed, marked A.

3. Any person may by himself and without any attorney or advocate and attorney sue out the process of the Supreme Court or any Circuit Court against any person on whom he may have any civil claim or demand; and may thereafter in his own person conduct and prosecute his case before the said Supreme Court or any Circuit Court, as the case may be.

4. No person conducting his own case, or as executor or trustee or in such like capacity, shall be entitled to charge any fee allowed to attorneys or advocates; but the Court may determine, if it shall think proper, what fee or remuneration shall be allowed him for his labour or loss of time.

5. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Schedule.

SCHEDULE A.

Fees and Charges to be allowed to Attorneys or Advocates and Attorneys, exclusive of Fees chargeable by the Registrar or other Officers of the Court, in all undefended Provisional Cases:

£ s. d.

For drawing summons; to include instructions to sue, letters of demand, and all other attorneys' charges whatever, including making bill and receiving payment	...	...	...	...	0	15	0
Attending Court, and suing for provisional judgment	...	...	...	...	0	10	6
Issuing writ of execution, and for all proceedings thereafter up to and including the examining the Sheriff's return, and receiving the amount and paying it over to the plaintiff, and the bill of costs	...	...	...	...	0	15	0
But if the writ is withdrawn before the Sheriff actually sells any goods attached, then only	...	...	...	...	0	7	6
In any case in which there is more than one defendant, the attorney shall be allowed 2s. 6d. for every additional copy, summons, and document exceeding one.							

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ENSKINE,
Colonial Secretary.

Exemption from Native Law.

LAW No. 26, 1865.

*Law to amend the Ordinance No. 11, 1855, entitled, " Ordinance
" to repeal the Ordinance No. 8, 1854, entitled, an ' Ordinance
" ' to promote the Establishment of Volunteer Corps for the
" ' Defence of the District; ' " and to re-enact the said Ordinance,
with certain amendments.*

Expired.

LAW No. 27, 1865.

Law for the amendment of the Laws relating to Public Pounds.

Repealed by Law No. 25, 1874, § 45.

LAW No. 28, 1865.

(Signed) J. W. THOMAS.

*Law for relieving certain Persons from the operation of Native
Law.*

WHEREAS, the system or body of Law commonly called the Preamble.
" Native Law," except in so far as the same may be repugnant to
the general principles of humanity, is, as regards all transactions
arising between Natives, in force in this Colony :

And whereas, it is not expedient that the said Natives generally
should be withdrawn from the operation of that Law, but, on the
contrary, they should remain subject to the provisions thereof and
the special control thereby created ; but so as nevertheless to relieve
certain persons, being such Natives of the Colony or of countries
thereunto adjacent, now or hereafter resident in the Colony, from
the operation thereof, by reason of their not now being either so
ignorant or so unfitted by habit or otherwise as to render them
incapable of exercising and understanding the ordinary duties of
civilised life :

Be it therefore enacted, by the Lieutenant Governor of Natal,
with the advice and consent of the Legislative Council thereof, as
follows :

1. That Law No. 11, 1864, shall be and the same is hereby Law No. 11, 1864
repealed.
repealed.

Exemption from Native Law.

Male native
may petition
Governor for
letter of exemp-
tion.

What petition
must contain.

2. Any male Native resident in this Colony may, by petition to the Lieutenant Governor, pray for a letter of exemption, declaring the petitioner exempt from the operation of Native Law.

3. Every petition shall state and set forth:—

First. The petitioner's full name.

Second. Place of his birth.

Third. His age, and residence.

Fourth. The length of time he has resided in the Colony.

Fifth. His trade or calling.

Sixth. Whether he be married or unmarried; and if married, when, where, and in whose presence he was so married; and in case he shall have been married by any minister of religion or by any Resident Magistrate, such petition shall state by whom he was so married.

Seventh. The number, sex, and ages of any child or children if any then living.

Eighth. A full description of his property, both moveable and immoveable; and, as regards the immoveable property, stating the situation thereof, and whether it is held by petitioner as proprietor or renter.

Ninth. Whether he can read or write.

Tenth. Whether he is or has been subject to any Native Chief now in the Colony; and if so, naming such Chief and his tribe.

Eleventh. The name of the Chief, whether in or out of the Colony, under whom he was born.

Twelfth. The names, and, if alive, the residence at the date of the petition, of his father and mother; and

Thirteenth. The object the petitioner has in view in seeking such letters of exemption.

Affidavit to be
subjoined to
petition.

4. To every such petition there shall be attached or subjoined an affidavit, sworn, solemnly declared, or affirmed by the petitioner before any Justice of the Peace in this Colony, to the effect that the petitioner is aware of the statements in such petition, and that they are true.

False statements
in petition
punishable as
perjury.

5. Any person who shall wilfully and falsely swear, solemnly declare, or affirm that he is aware of the statements in any petition referred to in this Law when in truth he is not, or that the statements or any one of them contained in such petition are true when they are not so or when he does not know them to be so, shall be liable to be proceeded against in the usual manner by indictment for wilful and corrupt perjury; and on conviction, shall suffer the pains and penalties by law provided for that offence.

Certificate to be
attached to
petition.

6. There shall also be attached to every such petition a certificate signed by at least one person resident in this Colony not a Native, and possessing within the same the proper qualification necessary to serve as a juryman, declaring his or their belief that the petitioner is a fit and proper person to receive letters of exemption from Native Law.

Lieutenant
Governor may
determine how
petition shall be
disposed of.

7. The Lieutenant Governor, on receiving any petition as aforesaid, may fix a day for the same being considered by the Executive

Exemption from Native Law.

Council; or may, for reasons to him appearing sufficient, refuse to submit any such petition to the Executive Council; or the Lieutenant Governor may require any further information or explanation from the petitioner or otherwise as may to him appear necessary in each case as it arises.

8. Whenever any such petition is submitted by the Lieutenant Governor to the Executive Council, the said Council shall have full power and authority to investigate the truth of the statements contained in the petition, or to require the petitioner to furnish any additional information, or any explanation it may consider necessary, and having reference to each particular petition; and the said Council may require the appearance personally of the petitioner before them to be examined on any point, or to satisfy them by personal examination of the fitness or otherwise of the petitioner for letters of exemption.

May submit to Executive Council.

Powers of Council thereon.

9. The Lieutenant Governor, with the advice and consent of the Executive Council, or with the advice and consent of the majority of that body, may grant or may refuse the prayer of any petition for letters of exemption.

Prayer may be granted or refused.

10. The decision of the said Executive Council granting or refusing the prayer of any petition for letters of exemption, shall not be subject to review or appeal by any Court or authority in this Colony; nor shall any Court or authority in this Colony have or exercise any power or jurisdiction whatsoever as to any matter or question arising out of any provision of this Law, other than those contained in the fifth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, and thirtieth sections.

Decision not subject to appeal.

Exceptions.

11. No person whose petition the Lieutenant Governor has refused to submit to the Executive Council, and no person whose petition for letters of exemption shall have been refused by the Lieutenant Governor with the advice and consent of the Executive Council, shall be capable of again petitioning for such letters until the expiration of two years after such refusal.

Petition may again be presented after two years.

12. Letters of exemption, when granted, shall be in the form marked in the schedule hereunto annexed; and the same shall not be issued to any petitioner until he shall have taken an oath or declaration or affirmation of allegiance to Her Majesty, her heirs or successors, before some person authorised to administer the same.

Form of letters.

Oath of allegiance required.

13. The Lieutenant Governor may, after having submitted any petition to the Executive Council, and after the Lieutenant Governor with the advice and consent of the Executive Council shall have decided upon granting letters of exemption, withhold granting the same for any reason to him appearing sufficient and coming to his knowledge after the decision of the Council; provided, that the petition, together with the additional facts, shall be reconsidered by the Lieutenant Governor and Council.

Letters may be withheld.

Petition may be reconsidered.

14. All letters of exemption granted as aforesaid shall be registered in the office of the Registrar of Deeds; and shall have endorsed thereon the date of such registration; which registration shall also contain the name of the wife of the holder thereof, the names of the children (if any), the sex, and as near as may be the ages of such

Letters of exemption to be registered.

Exemption from Native Law.

children; and the Registrar of Deeds shall transmit a duly certified copy of such letter of exemption and endorsement to the Secretary for Native Affairs, to be by him filed in his office.

Governor and Council may examine witnesses;

15. The Lieutenant Governor and the Executive Council may examine any witness as to any petition, or the petitioner himself under oath, or solemn declaration or affirmation, to be administered by the Lieutenant Governor or the member presiding at such Council, and may make such rules and regulations as to them may seem necessary, touching and concerning the mode in which witnesses may be summoned to attend and give evidence, the manner in which the statements in any petition are to be investigated, and the evidence they may require to sustain the prayer of any such petition; and may also, by letter, authorise any witness to be examined before any person named in such letter as a commission: Provided, that the Lieutenant Governor and Council may from time to time revoke or alter or amend any such rule or regulation, and frame new rules or regulations in place of those so revoked, as aforesaid.

And make and alter rules for such examination.

Fine may be imposed on witnesses.

16. The Lieutenant Governor and Council may by such rules and regulations impose any fine for the non-attendance of any person duly summoned as a witness not exceeding ten pounds.

Native claiming exemption must produce letter or copy.

17. In every case in which any Native shall claim to be exempted from the operation of Native Law, and in every case in which any question shall arise, or in which any Native shall claim the exercise of any right or privilege by reason of his exemption from Native Law under the provisions of this Law, it shall be incumbent on the Native so claiming to produce his letter of exemption, or a duly certified copy thereof, and if need be, to prove that he is the person described therein; and the possession of the letter of exemption shall in all cases be received as proof that the Native so obtaining and possessing any such letter of exemption was qualified to apply for the same.

Person illegally lending or altering letters of exemption liable to two years' imprisonment.

18. If any person to whom letters of exemption have been granted under this Law shall, with the purpose or with the intent to accomplish any object whatever which the legal holder of such letters of exemption alone could accomplish, lend or deliver any such letters of exemption to any other person, or if any such person shall alter or cause to be altered anything set forth in such letters of exemption, then and in every such case the person lending or delivering such letters of exemption and the person taking or receiving the same, and the person altering or causing such letters to be altered, as well as the person actually making any such alteration, may be proceeded against by indictment at the instance of the Attorney General in the Supreme Court or any Circuit Court; and on conviction, may be adjudged to imprisonment with or without hard labour for any period not exceeding two years.

Persons receiving letters of exemption relieved from Native Law. Letters to be published in Gazette.

19. Any person to whom letters of exemption shall be granted under this Law, shall from and after the date of the delivery of such letters to him, and upon publication of the same in the *Government Gazette*, be deemed and reckoned as exempt from the provisions and operations of Native Law, and shall thereafter be deemed subject to the ordinary laws of the Colony.

Exemption from Native Law.

20. The ordinary law of the Colony, by which children born before wedlock become legitimate by the legal marriage subsequent to their birth of their parents, is hereby extended to and made applicable to the children of any Native so exempt as aforesaid by a wife whom he has married according to any Christian rites.

Legitimation by subsequent marriage extended to children of such natives.

21. Every letter of exemption when granted to a male married Native shall, if his marriage has been legally solemnized according to the Christian rites, be deemed to extend to and include his wife and his children by such wife under such marriage then living, except such sons as shall have attained the age of sixteen years, and except also such of the said children, male or female, who, at the time of the granting of the letters of exemption shall have contracted marriage; and the names of the wife and children exempted shall be inserted in the said letters of exemption: Provided always, that it shall and may be competent for the Lieutenant Governor and Executive Council to exclude from any such letters of exemption the names of any of the said children who shall have wilfully left the control of their said father, or who shall otherwise, from any circumstance whatever, be, in the opinion of the Lieutenant Governor and Executive Council unfitted to be exempted from the operation of Native Law.

Letters of exemption to include wife and children of native married according to Christian rites.
Exceptions.

22. Every letter of exemption when granted to a male married Native who shall not have contracted his said marriage according to the Christian rites but by Native Law or custom, shall extend to and include his wife, and also his children by such wife under such marriage then living, except such sons as shall have attained the age or apparent age of sixteen years, and except also such of the said children, male or female, who at the time of the granting of the letters of exemption shall have contracted marriage; and the names of the wife and children exempted shall be inserted in the said letter of exemption: Provided always, that it shall and may be competent for the Lieutenant Governor and Executive Council, should they deem it fitting so to do, to exclude from any such letter of exemption the names of any or all the said children by such Native marriage.

Same if married under Native Law.

23. In case any male Native receiving a certificate of exemption shall have had children by any wife or wives not living at the date of the issue of such certificate, it shall and may be competent for the Lieutenant Governor and Executive Council at their discretion to include in any such letter of exemption, any or all of such children who shall not themselves have contracted marriage, or who, being male, shall not, in the opinion of the Lieutenant Governor and Executive Council, have attained the age of sixteen years at the time of granting the said letter of exemption.

Children by deceased wife may be included in letters.

24. It shall not be lawful for any Native, having been exempted from Native Law and having contracted marriage, should either of the parties to such marriage become a widower or widow, as the case may be, or should they be divorced by process of law, to contract any marriage at any future time by Native Law, custom, or usage; and any such future marriage or pretended marriage shall be null and void and of no effect: And any Native acting contrary to this provision shall be liable on conviction to a fine not exceeding

Natives having obtained letters may never again contract marriage under Native Law.

Penalty.

Exemption from Native Law.

fifty pounds or to imprisonment for any period not exceeding two years, at the discretion of the Supreme or Circuit Courts of the Colony, on the prosecution of the Attorney General.

Daughter
exempted under
this Law marry-
ing native not
exempted,
according to
Christian rites,
to forfeit
exemption.

25. If any daughter of any Native having received a letter of exemption, and being herself exempted by such letter, shall marry according to Christian rites any Native not exempted under this Law, such daughter shall be deemed to have relinquished any exemption from Native Law acquired under this Law, but shall retain all rights to her belonging under the ordinary law of the Colony upon the estate of her parents.

Same if she
marry under
Native Law.

26. If the daughter of any Native having received a letter of exemption, and being herself included in such letter, shall marry according to Native Law a Native who has not been exempted under this Law, such daughter shall thereby be deemed to have relinquished her exemption, and any rights or privileges she may have acquired under this Law upon the estate of her parents.

Succession to
native's property,
testate and
intestate.

27. The moveable or immoveable property of any Native, married or unmarried, or a widower or widow who shall have been exempted from Native Law by any letter of exemption under this Law, shall be disposed of according to any will, which according to the ordinary law of the Colony such native was entitled to make, and the estate of any such Native dying intestate shall be disposed of amongst the legal heirs according to such ordinary law, whether such heirs have received or are included in any letter of exemption or not, anything hereinbefore contained to the contrary notwithstanding.

Law not to
extend to natives
living in
polygamy.

28. This Law shall not extend to any Native living in polygamy, except so far as regards his share in such intestate estates as aforesaid, nor shall any such Native be capable of obtaining any letter of exemption under this Law.

Unmarried
female native
may petition in
same way.

29. Every unmarried female Native, resident in this Colony, may, by petition, to the Lieutenant Governor, pray for a letter of exemption, declaring the petitioner exempt from the operation of Native Law.

What petition
shall contain.

30. Every such petition shall state and set forth :—

First. The petitioner's full name.

Second. Place of birth.

Third. Her age, and residence.

Fourth. The length of time she has resided in the Colony.

Fifth. Whether she can read or write.

Sixth. Whether she is or has been subject to any Chief now in the Colony; and, if so, the name of such Chief and his tribe.

Seventh. The names, and, if alive, the residence, at the date of the petition, of her father and mother; or, if all these particulars are not known to the petitioner, then so many as are known to her.

Such petition shall further state the name of a person of European descent willing to accept the office of guardian to such unmarried female Native,

Exemption from Native Law.

31. To every such petition there shall be attached or subjoined an affidavit, similar to that required for a male petitioner under clause fourth of this Law. Affidavit.

32. To such petition shall be attached a certificate from a person of European descent declaring his willingness to accept the office and to fulfil the duties of guardian to such unmarried female native. Certificate by person willing to accept guardianship.

33. To such petition shall also be attached a certificate signed by one or more ministers of religion, missionaries, or Justices of the Peace, declaring his or their belief that the petitioner is a fit and proper person to receive letters of exemption from Native Law ; also that the proposed guardian is, from his or their personal knowledge of him, a fit and proper person to be appointed to such office. Certificate by minister, &c.

34. All such petitions from unmarried female Natives shall be considered and determined upon by the Lieutenant Governor and the Executive Council, in the manner prescribed by this Law in the case of male natives. Governor may determine on petition as in case of male native.

35. The Lieutenant Governor may, by proclamation in the *Government Gazette*, define and set forth the duties and rights of the office of such guardian of a female Native, and of such ward, and the mode of proceeding should such duties and rights be neglected or refused to be allowed. Governor may define duties of guardian.

36. There shall be payable on each document issued or given by the Lieutenant Governor under this Law, such fees or charges as may from time to time be fixed by the Lieutenant Governor by proclamation ; and all fines, or penalties, or fees imposed under this Law shall be paid to Her Majesty, her heirs or successors, to be, unless remitted, applied for the public uses of this Colony, and the support of the Government thereof. Fees to be payable.

37. The term "Native" in this Law shall be taken to mean and include the coloured persons resident in this Colony who are commonly called natives. Meaning of "Native."

38. This Law shall commence and take effect from and after such date as the Lieutenant Governor by Proclamation in the *Government Gazette* shall make known Her Majesty's assent thereto. Commencement of Law.

SCHEDULE.**Schedule.**

To all to whom these presents shall come greeting :

Whereas under the provisions of the Law entitled " For relieving certain Persons from the operation of Native Law," the Lieutenant Governor of Natal, by and with the advice of his Executive Council, is empowered to grant letters of exemption to any Native resident in the Colony ; and whereas, A. B., being at the present time dwelling at _____ in the County or District of _____

, has, in conformity with the provisions of the said Law, been deemed to be a fit and proper person to be taken out of the operation of Native Law.

Given by me this day of
in the year of our Lord, , at

Given at Government House, this 24th day of August,
1865.

(Signed) D. ERSKINE,
Colonial Secretary.

*Law to declare and amend the Law No. 14, 1859, entitled, " Law
" to provide for the Immigration of Coolies into this Colony at
" the Public Expense, and for the Regulation and Government
" of such Immigrants."*

LAW No. 30, 1865.

*Law to amend the Ordinance No. 6, 1855, entitled, " Ordinance
"for the General Management and Regulation of the Customs
"in the District of Natal."*

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Scab in Sheep.

LAW No. 31, 1865.

Law to amend the Law as to the Distillation of Spirituous Liquors.

Repealed by Law No. 14, 1868, § 1.

LAW No. 32, 1865.

(Signed) J. W. THOMAS.

Law to prevent the Spread of the Scab Disease in Sheep.

WHEREAS it is expedient to adopt measures for the prevention of the spread of the scab disease in sheep, and for the effecting of such object to provide for the appointment of inspectors of sheep :

Preamble.

Vide Law 28,
1875, §§ 1 and 19.

Be it therefore enacted by the Lieutenant Governor of the Colony, with the advice and consent of the Legislative Council thereof, as follows :

1. It shall be lawful for the Lieutenant Governor to appoint Fieldcornets or other persons to act as Inspectors of Sheep, within certain districts of the Colony.

Governor may
appoint Inspectors of Sheep.

2. Every owner of sheep within the Colony shall be bound to mark or brand and keep marked or branded his sheep with a distinct and specific mark or brand, and previously to marking his sheep he shall register his brand or mark at the office of the Resident Magistrate of his County or Division, and for every sheep found without such mark, or branded with a mark not so registered, the owner thereof shall be liable to a penalty of sixpence : Provided, that it shall not be necessary to mark or brand any sheep under the age of four months : Provided also, that if any two proprietors of sheep have similar brands, the Inspector may require any owner of any sheep so branded or marked to alter the brand or mark to prevent mistakes and confusion.

Sheep to be
marked.Mark to be
registered.

3. It shall not be lawful for any person to depasture, drive, or suffer to stray beyond the limits of his own land, or land occupied by him, any sheep infected with scab, and any person so doing shall incur a penalty not exceeding ten pounds for each offence.

Penalty for
scabby sheep
trespassing.

4. If any stray sheep infected with scab whose owner is unknown shall be found intermixed with any flock of sheep, it shall be lawful for the owner of such flock, or his authorised agent, to destroy such sheep infected with scab ; and he shall forthwith report the same to the Resident Magistrate of his County or Division.

When such
sheep may be
destroyed.

Scab in Sheep.

Inspection of
infected flocks.

5. So soon as it shall have been reported to or otherwise come to the knowledge of any Fieldcornet, or other Inspector of Sheep, that scab exists in a certain flock of sheep, it shall be the duty of such Inspector to proceed without delay to inspect such flock, and if he shall find it so infected he shall issue to the owner a license to keep such sheep for a period of six months, on payment to him of his travelling expenses, at the rate allowed to Fieldcornets.

Re-inspection.

6. After the expiration of six months from such inspection, the Inspector shall again inspect the flock, and if scab still exists therein, the owner thereof shall be liable to a fine not exceeding ten pounds.

Re-inspection.

7. After the expiration of other three months, the Inspector shall again inspect such flock, and if scab still exists therein, the owner shall be liable to a further fine, not exceeding ten pounds.

Penalty if scab
still exists.

8. Such inspection shall be repeated at the end of every successive three months, until the scab shall be entirely eradicated from the flock; and in every case in which any infected sheep shall be found in the flock, at any such inspection, the owner shall be liable to a fine not exceeding ten pounds: Provided that at every such inspection, the Inspector shall be entitled to his travelling expenses, as in section five set forth.

Travelling
expenses.

Definition of
"flock."

Provisions only
applicable to
sheep which have
been six weeks
in Colony.

9. For the purposes of this Law, two or more sheep kept on the same farm shall constitute a flock, and a flock shall be held to be infected if scab shall exist in any one sheep: Provided that the provisions and penalties contained and enacted in sections two, three, four, five, six, seven, eight, and nine shall not be applicable to or in respect of imported sheep until after the expiration of six weeks from their introduction into the Colony.

Importer of
scabby sheep to
report his
arrival.

10. Every importer of sheep, any of which shall be infected with the scab disease, shall, immediately on entering the Colony, report to the nearest Resident Magistrate, Justice of the Peace, or Fieldcornet, his name, the number of sheep in his flock or flocks, and whither he is driving them.

Must give notice
to occupiers of
land, and keep
on centre of
road.

11. While driving such sheep through any part of the Colony, such person shall be bound to give not less than twelve nor more than forty-eight hours' notice in writing to the occupiers of the lands through or along which he intends to pass of his intention so to pass; and shall follow such road or route as the owner of the lands through which he is passing or proposing to pass shall point out: Provided such route is not unreasonably circuitous or inconvenient, and shall keep such sheep within one hundred yards of the centre of any road or track along which he is travelling.

Must report sale
of sheep.

12. So soon as such person shall have sold such sheep, he shall report the name and residence of the purchaser thereof to the Resident Magistrate of the County or Division where such purchaser shall reside.

Penalties.

Limited to six
weeks.

13. Any person contravening any of the provisions of sections ten, eleven, or twelve, shall be liable to a penalty not exceeding ten pounds for each and every contravention: Provided, that the foregoing provisions and penalties shall cease to be applicable to, or in respect of imported sheep after the expiration of six weeks from the date of their introduction into the Colony, unless such penalties shall have been incurred within such period.

Scab in Sheep.—Payment of Witnesses.

14. All fines incurred under this Law shall be sued for in the Court of any Resident Magistrate having jurisdiction, at the instance of the Clerk of the Peace. Fines, how recovered.

15. All such fines shall be paid to Her Majesty, her heirs or successors, and, unless remitted, shall be applied to the uses of the Government of this Colony. Disposal of fines.

16. This Law shall commence and take effect on and after the 1st of January, 1863. Commencement of Law.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 33, 1865.

(Signed) J. W. THOMAS.

Law to amend the Law for regulating the Payment of Witnesses attending to give Evidence on Criminal Trials and Preparatory Examinations within the Colony of Natal.

WHEREAS, it is expedient to amend the laws, and make better provision for the payment of witnesses attending to give evidence in criminal cases within the Colony of Natal. Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. The Cape of Good Hope Ordinance No. 59, in substance extended to the late District and now Colony of Natal by the Cape of Good Hope Ordinance No. 25, 1846, entitled, "Ordinance for regulating the Payment of the Expenses of Witnesses attending to give Evidence on Criminal Trials and Preparatory Examinations within the District of Natal," shall be and the same is hereby repealed. Cape Ordinance No. 25, 1846, repealed.

2. From and after the passing of this Law, expenses shall be allowed to all witnesses summoned at the instance of the Public Prosecutor who shall have duly appeared in compliance with the Expenses to be allowed to all witnesses at criminal trials summoned by Public Prosecutor.

Payment of Witnesses.

At discretion of
Court.

summons, at any criminal trial holden before the Supreme or any Circuit, or any Resident Magistrate's, or any Combined Court within this Colony, or at any preparatory examination taken before any Resident Magistrate or Justice of the Peace within the said Colony: Provided always, that such allowance of expenses as to any criminal trial shall be made upon the application of the said Public Prosecutor at or immediately after any such trial; and shall be wholly within the discretion and subject to the order of any of the said Courts at any such criminal trial: which said several Courts may also, if any of them shall see fit or expedient, disallow such expenses for neglect of any witness's appearance when summoned, his or her refusal, neglect, disobedience, or disrespect to any of the said Courts at or immediately before or after the time of any such trial as aforesaid.

Also to witnesses
summoned by
accused;

If accused
unable to pay
them, or
acquitted.

3. Expenses shall also in like manner be allowed to all necessary witnesses summoned at the instance of the prisoner or party accused upon the application of such prisoner or party accused, or his counsel, advocate, or agent lawfully authorised at the time of any such criminal trial as aforesaid; and provided always, that such last mentioned witnesses shall, before the allowance by any of the said Courts upon any criminal trial, satisfy the Judge or Judges or other the presiding officer or officers of the said Courts, either by *visd voce* evidence on oath or affidavit, that the said prisoner or accused party is unable from poverty to pay such expenses; or that, by reason of his full acquittal, such expenses ought to be allowed, and also that the witnesses summoned and appearing for the said prisoner or party accused was or were or might have been necessary for the defence of the prisoner or party accused.

Amount of
expenses in
Schedule A.

4. The expenses to be allowed to witnesses for their travelling subsistence and loss of time in and about going to, remaining at, and returning from the Court or other place to which they shall be summoned as aforesaid, shall in no case exceed the scale or allowance of such witnesses' expenses contained in schedule A. hereunto annexed; and no allowance of any extra or additional expenses shall or may be made or granted to any witness or witnesses other than such as are hereby provided and contained in the said schedule.

Bill of expenses
to be made out
by Clerk of Peace.

5. The Clerks of the Peace for the several counties or divisions within or for which they are or shall be appointed to act shall, as soon as may be (consistently with their other duties) after all criminal trials at the instance of the Public Prosecutor, make out bills of expenses in duplicate for the witnesses in each case where such expenses are allowed as aforesaid; one of which set of bills shall be for the witnesses summoned and appearing on the part of the Public Prosecutor, and the other for the witnesses summoned and appearing for the criminal or accused party.

Bills to be
certified by
Clerk of Peace
and presiding
Judge, &c.

6. The said Clerks of the Peace shall insert the rate of allowances provided by and in no case to exceed the rate or scale contained in the said schedule; and shall also certify that the distance

Payment of Witnesses.

and time charged in the said bills are correct. The said Clerks of the Peace shall also submit the said bills to the Magistrate, Judicial Assessor, or Registrar of the Court before which such trial has been had; who shall thereupon (unless the said Court, or Judicial Assessor, or Magistrate shall have disallowed to any witness his or her expenses from any cause,) certify that the several witnesses are entitled to receive payment of their expenses, and that the rates allowed or inserted in the said bills are reasonable; and shall also certify the total amount of each of the several bills so allowed.

7. In cases of preparatory examinations before any Resident Magistrate or Justice of the Peace, the said several Clerks of the Peace shall in like manner make out, certify, and allow similar bills of expenses; or, in the event of their absence the presiding Magistrate or Justice of the Peace shall make out, certify, and allow the same.

Same in cases of preparatory examinations.

8. The Clerks of the Peace, or in their absence the Resident Magistrates of their several counties or divisions, shall, on each witness signing on the said bill and the duplicate thereof a receipt for the sum due to him or her for the said expenses, make out, sign, and deliver to such witness a cheque or draft on the Treasurer of the Colony of Natal (or upon the sub-accountant of the county or division within or for which the trial or preparatory examination took place) for the amount due to each and every such witness; and the said Treasurer or sub-accountant (as the case may be) shall make payment of the amount of every such cheque or draft so drawn on him to the holder thereof, or his written and attested order, if presented for payment within three calendar months from its date, and not afterwards; and the acquittance of the said party on the proper attested voucher, and his endorsement on the cheque or draft, shall be the discharge of said Treasurer or sub-accountant.

Witness to receive payment by cheque on Treasurer or sub-accountant.

9. No witness shall be entitled to demand, receive, or obtain any cheque or draft for payment of his or her expenses as aforesaid from either of the said Clerks of the Peace, or any other officer, after the lapse or expiration of one clear calendar month from the day upon which any trial or preparatory examination shall have been finally completed and concluded.

When cheque to be given.

10. Every Clerk of the Peace or other officer making out, signing, and delivering any draft or cheque for the payment of witnesses' expenses as aforesaid, shall, within three days at the utmost after he has signed and delivered such draft or cheque, transmit to the Treasurer of the Colony of Natal, or to the sub-accountant on whom he has drawn the draft or cheque, the bill of expenses duly attested and receipted by the witnesses in whose favour the drafts or cheques have been drawn.

Bill of expenses to be transmitted to Treasurer or sub-accountant.

11. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*, after the passing thereof.

Commencement of Law.

Payment of Witnesses.

Vide Law 9.
1865, § 1.

[SCHEDULE A.]

Scale of Allowance to Witnesses.

CLASSIFICATION.	Resident in the Town in which the cause is tried, or within ten miles thereof.			Resident at a greater distance than ten miles from the place of trial.		
	AT PER DIEM.					
	£	s.	d.	£	s.	d.
Medical Men, when specially summoned to give medical evidence	1	1	0	1	1	0
Professional Men, Magistrates, Surveyors, Engineers, Apothecaries, Chemists	0	10	6	0	15	0
Notaries, Auctioneers, Accountants, Attorneys' or other Clerks, Master Tradesmen, and Yeomen-Farmers. Common Witnesses, such as Labourers, Journeymen, Females	0	5	0	0	7	6
Native Witnesses, Hottentots, and Coolies	0	0	6	0	1	0]

In addition to the above scale of allowances, the travelling expenses of witnesses shall reasonably be allowed, according to the sums *bond fide* and actually paid; but in no case shall they exceed sixpence per mile.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Durban Corporation.

PRIVATE LAW.

(Signed) J. W. THOMAS.

Law to legalise Certain Arrangements made by the Corporation of the Borough of Durban for granting New Leases to Certain Holders of Leases granted before the passing of the Law No. 21, 1862; and to enable the said Town Council to grant such New Leases, and to authorise and empower the said Town Council to carry into effect such arrangements on Payment, by the Present or Future Tenants, of a Bonus.

WHEREAS, very many leases of the town lands of the said Borough were granted by the Mayors, Councillors, and Burgesses to various persons prior to the passing of the Law No. 21, 1862, for a term of fifty years :

Preamble.
Vide Law 21,
1862, § 70.

And whereas, by the 70th section of the said Law No. 21, 1862, entitled, "Law for amending and consolidating the Laws in regard to Corporations," it is enacted that the Council may, with the consent of the Lieutenant Governor, "lease any portion of the lands belonging to the Corporation for any period not exceeding fifty years," with or without an undertaking to renew such lease, as provided in the clauses succeeding:

And whereas, by the 71st section of the said Law No. 21, 1862, it is enacted, "the Council may from time to time renew any such lease, or any lease now subsisting, for any period not exceeding fifty years; provided there shall be buildings on the ground of the then value of £500, in any case in which the lessee shall, two months previously to the expiration of such lease, give notice of his intention so to renew such lease:"

Vide Law 21,
1862, § 71.

And whereas, the said Town Council of the said Borough of Durban, considering that the last-mentioned section conferred power upon them to enter into an agreement with the lessees of the town lands whose leases were granted before the passing of the said Law No. 21, 1862, for the renewal of such leases at the expiration of the term thereby granted, caused notice to be given to such respective lessees of the willingness of such Town Council to enter into such covenant, and to grant a new lease embracing such covenant for renewal, on payment by such lessees of a bonus, which proposition was accepted by some of the lessees; and who have in consequence in some instances dealt with their property, relying on the said Town Council entering into such covenant:

And whereas, the said Town Council have not power under the said Law No. 21, 1862, to enter into the agreement hereinbefore mentioned; and it is desirable to indemnify the said Council in such matter; and to authorise and empower the said Council to carry into effect the proposition so made by them as aforesaid:

Vide Law 21,
1862.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Durban Corporation.

Agreement by
Council to be
valid.

Council may
carry it into
effect.

Vide Law 21,
1862.

Council may
cancel leases and
execute others.

To be a public
Law; and
commencement
thereof.

1. That the proposition or agreement so made by the said Town Council of the Borough of Durban shall and the same is hereby declared to be valid and effectual.

2. That the said Town Council shall be and it is hereby authorised and empowered to carry into effect such proposition or agreement with the said several lessees whose leases were granted before the passing of the said Law No. 21, 1862.

3. That it shall and may be lawful for the said Town Council to cancel the said leases, and to execute fresh leases of the lands thereby leased for the term and at the rents thereby reserved, as near as may be to the form of lease now used by the said Council, in the schedule hereunto annexed.

4. This Law shall be taken as a Public Law; and shall be in force on and after the publication thereof in the *Government Gazette*.

Schedule.

SCHEDULE.

Borough of Durban.

LEASE.

(a) This lease, made the _____ day of _____, in the Year of Our Lord One thousand eight hundred and sixty-_____, between the Mayor, Councillors, and Burgesses of the Borough of Durban of the one part, and _____ of the other part.

(b) Whereas under and by virtue of the Ordinance No. 1, 1854, leases for building purposes for a term of Fifty years of certain portions or allotments of the lands belonging to the said Corporation, commonly called Town-lands, were, by and with the consent of the Lieutenant Governor of Natal, put up to public competition on the _____ day of _____, 18____; and at such sale

_____ became the purchaser of one such lease, being a lease of the allotment laid off, marked and numbered _____, in Block _____, on the enlarged general plan of the said Town-lands (which general plan, under the Corporate Seal of the Borough, is deposited in the public office of the Town Clerk of the Borough of Durban), at or for the annual rent or sum of

_____ per acre, upon, under, and subject to the provisions of the said Ordinance No. 1, 1854, and the several clauses, conditions, covenants, and agreements contained in the lease thereof granted to the said _____, bearing date the _____ day of _____, 18____; which said lease, hath by cession thereof, become and now is duly and legally vested in the said _____, party hereto of the second part.

And whereas, the Town Council of the said Borough of Durban caused notice to be given to the respective lessees of the said Town-lands whose leases were granted before the passing of the Law No.

Durban Corporation.

21, 1862, entitled, "Law for amending and consolidating the Laws " in regard to Corporations," expressing the willingness of the said Town Council, on payment by such lessees of a bonus to grant a new lease embracing a covenant for renewal; which covenant the said Town Council had no power to enter into: And whereas, by a Law passed by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, at a sitting of the same Council held in 1865, entitled, a "Law to legalise Certain " Arrangements made by the Corporation of the Borough of Durban " for granting New Leases to Certain Holders of Leases granted " before the passing of the Law No. 21, 1862; and to enable the " said Town Council to grant such New Leases; and to authorise " and empower the said Town Council to carry into effect such " arrangements, on payment by the Present or Future Tenants of a " Bonus;" power was given to the said Town Council of Durban to cancel leases granted before the passing of the said Law No. 21, 1862, and to issue other leases containing a covenant for renewal.

(c) And whereas the said lease, dated the _____ day of _____, 18____, has been this day duly cancelled: Now these presents witness, that for and in consideration of the cancellation of the said lease, and of the payment of the sum of _____

_____, and in consideration of the said yearly rent hereby reserved, and of the covenants, conditions, and agreements hereinafter contained, and on the part of the said lessee, his heirs, executors, administrators, and assigns, to be observed and performed, the said Mayor, Councillors, and Burgesses under and by virtue of the powers conferred on them by said Law No. 21, 1862, and of the said Private Law of 1865, have demised and leased, and by these presents do demise and lease unto the said lessee, his heirs, executors, administrators, and assigns, a certain piece of land, in extent _____

_____ or thereabouts, marked and numbered _____ on the said hereinbefore mentioned plan of the said Town-lands, and bounded _____

as will more fully appear by the diagram framed by the Town Surveyor hereunto annexed; subject nevertheless to the express reservation of the right of the said body corporate of making any roads, drains, or watercourses through the said piece of land for the public convenience or good: To have and to hold the said piece of land hereby demised, or intended so to be, with the appurtenances (except as before excepted) to the said lessee, his heirs, executors, administrators, and assigns, from the said _____ day of _____,

One thousand eight hundred and sixty-_____, for and during and unto the full end and term of Fifty years from thence next ensuing, and fully to be complete and ended; with liberty, nevertheless, to the said lessee, his heirs, executors, or assigns, to apply for a renewal of this lease for a further term not exceeding Fifty years, upon the terms, and in manner mentioned and set forth in the said Law.

(d) Yielding and paying, therefore, yearly and every year during the said term of Fifty years hereby granted, unto the said Mayor, Councillors, and Burgesses, and their successors, at or in the office

Durban Corporation.

of the Town Clerk of the said Borough for the time being, or to their assigns, the yearly rent or sum of

of lawful money, without any deduction whatsoever on account of present or future taxes, or otherwise howsoever, by equal half-yearly instalments, on the day of , and the day of , in every year; the first payment thereof to be made on the day of next, 186 .

(e) And the said

doth hereby for himself, his heirs, executors, administrators, and assigns, covenant and agree with the said Mayor, Councillors, and Burgesses of the said Borough of Durban, their successors or their assigns, that he the said

his heirs, executors, administrators, or assigns, shall and will, during the said term hereby granted, well and truly pay or cause to be paid unto the said Mayor, Councillors, and Burgesses, their successors or assigns, the annual rent hereby reserved and made payable, at the place and on the days and in manner hereinbefore appointed for payment thereof, and that without demand being made for the same. And also that he the said lessee, his heirs, executors, administrators, or assigns, shall and will from time to time during the continuance of the said term hereby granted, pay and discharge all and all manner of rates, taxes, charges, and assessments which are now or at any time hereafter shall or may be charged, assessed, or levied upon the said piece or parcel of land, or any dwelling-houses, buildings, and premises that shall or may be hereafter erected thereon, or any part thereof, or on the said Corporation in respect thereof, by the authority of Government, or by the said body Corporate, or otherwise howsoever.

(f) And further, that he the said lessee, his heirs, executors, administrators, or assigns, shall and will, on or before the day of , One thousand eight hundred and at his or their own cost and charges, erect, build, and put up, and completely finish, fit for habitation and use, a dwelling-house of the value of

sterling, on the said piece of land hereby demised; and shall and will from time to time and at all times during the continuance of the said term hereby granted, although no notice shall be given to him or them for that purpose, at his or their own costs and charges uphold and keep the said building or buildings in good tenantable repair; and shall and will in like manner also support and preserve the beacons of the said piece of land, erect and make fences or walls around the said land, and well and sufficiently repair, support, cleanse, amply amend, maintain, and keep all fences, walls, and all drains and privies belonging to the said piece of land, dwelling-houses, buildings, and premises, or any of them, when and as often as occasion shall require. (g) And that at the expiration or other sooner determination of this lease, he and they shall and will peaceably and quietly leave, surrender, and yield up the same unto the said body Corporate or their assigns.

Durban Corporation.

the piece of land hereby demised, together with all dwelling-houses and buildings erected thereon, and all fixtures fastened to the freehold which shall be in and upon the said demised land and premises, without being entitled to compensation therefor; Subject, nevertheless, to the covenant for renewal hereinafter contained.

(h) And also that the said lessee, his heirs, executors, administrators, and assigns, shall not nor will carry on on any part of the said demised land and premises any offensive trade, business, or occupation. And also shall not nor will cede, assign, or transfer this lease, or the land and premises thereby leased to any person or persons whomsoever, without the consent in writing of the said lessors for that purpose first had and obtained. And further, that whenever the said lessee, his heirs, executors, administrators, and assigns shall during the said term execute any assignment or underlease, or agreement for assignment or underlease, of the whole or any part of the premises hereby leased, for the whole of the term hereby granted, or for any part thereof exceeding one year, the person or persons to whom the said premises or any part thereof shall be so assigned or underlet or agreed so to be shall sign a notice, duly witnessed, of his or their having become tenant or tenants of the whole or part of the premises (describing such part); and shall, within one month from his or their taking possession of the premises so assigned or underlet or agreed so to be, deliver or cause to be delivered at the office of the Town Clerk of the said Borough such notice so signed by him or them.

(i) And lastly, that the said lessee, his heirs, executors, administrators, and assigns, shall and will from time to time and at all times during the term hereby granted, and also during the continuance of any renewed term granted in pursuance of the covenant in that behalf hereinbefore contained, designate and appoint a *domicilium citandi et executandi* in the said Borough of Durban, for the purposes of this lease and of all legal proceedings in connection therewith; and of such designation and appointment shall give notice in writing under his or their hand or hands to the said Mayor, Councillors, and Burgesses. And that until another such *domicilium* shall have been designated and appointed by him and them in manner aforesaid, it shall be lawful for the said Mayor, Councillors, and Burgesses to treat and consider the *domicilium* last designated and appointed by any of them, the said lessee, his heirs, executors, administrators, and assigns, as being the *domicilium* of the lessee or lessees of the said premises for the time being, though he or they shall not have personally designated and appointed such *domicilium*. And until further notice, in manner aforesaid, the said

hereby designates

and appoints

to be the *domicilium*

citandi et executandi for the purposes of this lease.

(k) Provided always, and these presents are on the condition, that if the said yearly rent or sum of

of such
lawful money as aforesaid hereinbefore reserved, or any part thereof, shall be in arrear and unpaid for the space of thirty days next after

Durban Corporation.

any of the days appointed for the payment thereof; or if, in case the lessee, his heirs, executors, administrators, assigns, or underlessees, shall assign or underlet the said premises in any of the ways aforesaid, such assignee or underlessee shall neglect or fail to sign and deliver such notice in manner aforesaid; or if the said lessee, his heirs, executors, administrators, or assigns, shall neglect or fail to perform or be guilty of any breach, non-performance, or non-observance of any of the other covenants, clauses, provisoes, and agreements by him or them to be observed, kept, and performed, according to the true intent and meaning of the same respectively; then, in every or any such cases, it shall be lawful for the said body Corporate, their successors or assigns, into and upon the said piece of land to re-enter and the same to have again, possess, and enjoy, as of their former estate; together with all dwelling-houses, build-ings, fixtures, and improvements whatsoever in and upon the same. And this lease, save as to past breaches thereof, shall be and become null and void to all intents and purposes whatsoever: And that whether the same shall have been underlet or assigned in subdivisions, or otherwise howsoever.

(l) And the said Mayor, Councillors, and Burgesses for themselves, their successors and assigns, do hereby covenant, undertake, and agree with and to the said lessee, his heirs, executors, administrators, and assigns, that in case the person or persons entitled to the said premises or any part thereof, not exceeding six months and not less than two months before the expiration of the term hereby granted therein, shall be minded and desirous of taking a renewed lease of the said premises, or of such part thereof as any such person or persons shall then be entitled to; and such person or persons shall give to the lessors previous notice as before mentioned of his or their wish or intention to renew the lease: Then and in any such case the Mayor, Councillors, and Burgesses for the time being shall and will, at the expense of the applicant or applicants in all things, make, grant, and execute to the person or persons so entitled to the same, a lease of the whole or part of the said premises hereby leased for a term of Fifty years from the expiration of this lease; reserving such rent or rents as may be then estimated and fixed in manner appointed in and by the seventy-second section of the said Law No. 21, 1862, endorsed hereon. And any such lease shall contain covenants and provisoes similar to those contained in this lease, with the exception of this covenant for renewal. Provided, that no such renewed lease shall be granted unless there shall be buildings on the ground thereby to be leased of the then value of Five hundred pounds (£500) sterling.

(m) And the said Mayor, Councillors, and Burgesses, for themselves, their successors or assigns, do hereby further covenant and agree with the said lessee, his heirs, executors, administrators, and assigns, that he and they, paying the rent hereby reserved, and observing and performing the several and respective covenants, clauses, provisoes, and agreements herein contained, and which, by and on the part or behalf of the said lessee, his heirs, executors, administrators, or assigns, are or ought to be performed, fulfilled, and kept, shall and lawfully may peaceably and quietly hold, use,

Durban Corporation.

occupy, possess, and enjoy the same piece of land hereby demised, with all buildings and premises which may be erected thereon, for and during the said term of Fifty years hereby granted, without any let or hindrance whatever.

In witness whereof the said Mayor, Councillors, and Burgesses have hereunto affixed their Common Seal, and the said _____ has hereunto set his hand and seal, the day and year first before written, in the presence of me, _____, Notary Public, and the Witnesses _____

The Common Seal of the Mayor, Councillors, and Burgesses of the Borough of Durban was affixed to this Deed at a meeting of the Council of the said Borough, held on the _____ day of _____, by the Worshipful _____ the Mayor, by order of the Council, in the presence of me, the Notary, and the _____ subscribing Witnesses.

As witnesses:

Quod attestor,

Notary Public.

Signed, sealed, and delivered by the within-named

the _____, on
the presence of me, the Notary, and the _____, in
subscribing witnesses.

As witnesses:

Quod attestor,

Notary Public.

Given at Government House, this 24th day of August, 1865.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Natal Railway.

PRIVATE LAW.

Law to enable, authorise, and empower the Council of the Borough of Durban to negotiate, contract for, and raise by Loan or otherwise, either in England, in this Colony, or elsewhere, Moneys not exceeding the sum of Fifty Thousand Pounds sterling; and also, if necessary, to enable the said Town Council, with the sanction of the Lieutenant Governor, to sell any of the Town Lands yet remaining unsold or unlet, to the extent of five-eighth parts of such Lands, as well as those already leased, either in Freehold or by Annual Quitrent, with Bonus, or under any other manner of holding, as the said Town Council shall deem most expedient.

Repealed by Law 12th December 1866, § 1.

PRIVATE LAW.

(Signed) J. W. THOMAS.

Law to enable the Natal Railway Company to contract with the Natal Government for a Lease of the Umgeni Extension Railway; and for the Carriage of Stone from the Umgeni Quarries to the Harbour Works over the same: and to enable the said Company to run Trains for the Public Convenience over the same, and to take Tolls therefor.

Preamble.
Vide Law 6,
1875; and Law
18, 1878.

WHEREAS, the Natal Government is about to make and construct a Railway from the Quarries on the banks of the Umgeni near the Queen's Bridge to the proposed point of junction with the Natal Railway, and to construct an extension of the present Line from the Point, in order thereby to approach as near as possible to the Harbour Works, for the purpose of conveying stone thereon to the Harbour Works at the Point:

And whereas, in anticipation of the construction thereof, the Natal Government has entered into negotiations with the directors of the Natal Railway Company for leasing the said Railway to the Natal Railway Company, in consideration of the Company's agreeing to convey stone on the said lines of Railway from the quarries to the end of the extended line near the Harbour Works; and with power for the said Company to work the line from the quarries for the public convenience:

And whereas, it will be necessary for the due working of the said Umgeni extension line for the benefit and convenience of the public that a station should be formed and warehouses erected at the

Natal Railway.

terminus of the said line near the Umgeni: And whereas, it may prove desirable for the public convenience that the said Company shall have power to make short extension lines of railway or tramway from the said Umgeni extension line to the brickyards near the Umgeni, and to any village that may be laid out near the same: And also to form other stations and erect other warehouses along the said line: And it is desirable that the said Company should be empowered to enter into contracts with the Mayor, Councillors, and Burgesses of the Borough of Durban for the leasing of lands required for the purposes aforesaid or any of them, and, subject to the consent of the Corporation, to make such railway or tramway, and to erect such stations and warehouses as aforesaid. And it is necessary and desirable for the above purposes that the said Company should have all necessary powers conferred on it for effectuating the purposes aforesaid and incident thereto;

Be it therefore enacted, by the Lieutenant Governor of the Colony of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. In the construction of this Law, unless there be something in the subject or context repugnant to such construction, the word "Government" shall mean the Government of Natal, by the various officers administering the same; the word "Company" shall mean the Natal Railway Company; the word "directors" shall mean the directors for the time being of the Natal Railway Company; the words "Umgeni line" shall mean the line of Railway about to be formed by Government from the said quarries to a point of junction with the Natal Railway; the words "Point extension line" shall mean the line of Railway about to be formed by Government from a convenient spot on the Natal Railway near the Point to or towards the Harbour Works; the words "Company's extension line or lines," as the case may be, shall mean any short extension of the Umgeni line, by Railway or tramway, that shall or may be made by the Company from any part of the Umgeni extension line to the brickfields near the Umgeni, or any village to be laid out and formed near the Umgeni extension line; the words "Junction line" shall mean the line of Railway from the Quarries near the Umgeni to the point of junction with the Natal Railway, and from thence to the terminus of the Point extension line; and the words "United line" shall mean the whole line of the Natal Railway and the said extension lines to be formed by the Government and the Company respectively.

Interpretation
clause.

2. It shall and may be lawful for the directors, on behalf of the Company, at any time or times hereafter to enter into any contract with the Government for the leasing by the Government to the Company of the Umgeni line, and of all lands held by the Government in connection with the said line, for such term or terms of years, with such right or benefit of renewal thereof from time to time, and with, under, and subject to such reservation of rent or rents, covenants as to the terms of conveyance of stone for Government, and other covenants, conditions, declarations, and agreements, as may from time to time be agreed on between the Government and the directors.

Directors may
contract with
Government for
lease of Umgeni
line.

Natal Railway.

On execution of lease, Umgeni line to be incorporated with Natal Railway, and to be under Law of 1869.

3. From and after the execution of such lease by or on behalf of the Government and the Company, and the completion of the works of the Umgeni line, the said line shall during the continuance of the said lease, or of any renewal thereof, be considered for the purposes hereinafter mentioned as incorporated with the Natal Railway. And the directors on behalf of the said Company shall have such and the same powers of employing locomotive engines and other moving powers, and carriages and wagons to be drawn or propelled thereby over and along the said Umgeni line and the Company's extension line or lines and of working the same, and such and the same powers of making bye-laws for the regulation of the traffic on the said Umgeni line and the Point Extension Line, and the Company's extension line or lines, and on the Junction line, when any such extension line or lines shall have been made with the consent of the Town Council of Durban as hereinafter mentioned, as are conferred on them by the law passed in the year 1859, entitled "A Law for the Incorporation of the Natal Railway Company," in respect to the Natal Railway.

Charges from Point to Umgeni.

4. It shall be lawful for the Company to make such reasonable charges for the conveyance of passengers and goods over and along the Umgeni line, the Company's extension line or lines from the terminus thereof near the Umgeni to the terminus at Durban and to the terminus at the Point and *vice versé*, as the directors shall from time to time determine on—not exceeding the following charges:—

Passengers.

First.—Where the passengers or goods shall be conveyed from the Umgeni Station to the Durban Station, or for any part of the distance, and *vice versé*:

For the conveyance of every passenger—				£	s.	d.
By first class seats	...	...	...	0	1	0
By second class seats	...	...	...	0	0	6

Free.

Government officers travelling on duty in connexion with the Harbour Works, or persons employed on those Works, free.

Heavy goods, per ton.

For receiving, loading, dragging, or propelling and unloading any bricks, stone, gravel, or other similar material for any other person than the Corporation of Durban, or other goods not included in any contract with the Government specially providing for same—for every ton weight of heavy goods, or for every quantity recognised as such as per Schedule D, annexed to the Natal Railway Company's Law, 1868, entitled "A Law for further amending the Law entitled a Law for the Incorporation of the Natal Railway Company," passed on the twenty-first day of June, 1859, or for every 40 cubic feet of goods by measurement, at the option of the Company

...	0	4	0
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Natal Railway.

	£	s.	d.
For delivery of a ton of goods as last mentioned, from the Durban Station to any part of the town of Durban	0	3	0

Second.—Where the passengers or goods shall be conveyed from the Umgeni Station to the Point Station, or for any part of the distance which shall include portions of the line from the junction to the Point and *vice versé* :

	£	s.	d.
For the conveyance of every passenger—			
By first class seats	0	1	6
By second class seats	0	0	9

Government officers travelling on duty in connexion with the Harbour Works, or persons employed on those Works, free.

For receiving, loading, dragging, or propelling and unloading any goods not included in any contract with the Government specially providing for the same—for every ton reckoned by dead weight, quantity, or measurement, as hereinbefore mentioned, at the option aforesaid	0	5	0
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And so on in proportion for any less quantity of goods than a ton in weight, whether estimated as aforesaid or otherwise, or forty cubic feet in measurement, at the option aforesaid, except that where the goods received by the Company and awaiting delivery on any one day, for any one person or firm, shall not exceed one third of a ton reckoned as aforesaid, the same shall be chargeable as hereinafter provided. Provided that the directors shall have power to enter into any special arrangements with the Corporation of Durban as to the amount of toll to be paid on any bricks, stone, gravel, or other similar material required to be conveyed by the Corporation for any greater or less distance than from the terminus near the Umgeni, to the Durban Station.

Special contracts
may be made.

5. That where goods received by the Company and awaiting delivery in any one day for any one person or firm shall not exceed one third of a ton, reckoned as aforesaid, the same shall be considered as parcels; and the Company shall be authorized and empowered to make such charges in respect of every such separate parcel as the directors may from time to time determine on, not exceeding the following charges :—

Charges for
parcels (not
exceeding one-
third of ton).

First.—Where the parcels are conveyed between the termini in the last preceding clause, first therein mentioned :

	£	s.	d.
For the loading, conveyance, and unloading of each such separate parcel not exceeding one cwt. by weight (estimated as aforesaid, or otherwise), or two cubic feet by measurement, at the option of the Company ...	0	1	0

Natal Railway.

	£	s.	d.
For the like service as to each such separate parcel exceeding one cwt. or two cubic feet, and not exceeding one third of a ton, by weight, quantity, or measurement, at the option aforesaid	0	2	0

Second.—Where the parcels are conveyed between the termini in the last preceding clause secondly therein mentioned :

	£	s.	d.
For the like services as to each such separate parcel not exceeding one cwt., or two cubic feet as aforesaid	0	1	6
For the like services as to each such separate parcel exceeding one cwt., or two cubic feet, and not exceeding as aforesaid	0	2	6

Company may contract with Corporation for propelling of trucks.

6. Provided that it shall be lawful for the Company from time to time to contract with the said Corporation of Durban for the dragging and propelling of trucks belonging to the Corporation containing bricks, stone, gravel, or other similar material, from the terminus at the Umgeni to the Durban Station, or to any point between those termini at such reduced rates as the said parties may agree to, not exceeding as hereinafter mentioned :—

Rates.

For dragging and propelling for the Corporation of bricks, stone, gravel, or other similar material, in Corporation trucks, to be loaded and unloaded by and at the expense of the Corporation :

	£	s.	d.
At per ton for the whole distance	0	1	6
At per ton for a distance not exceeding two thirds of the whole distance	0	1	0
At per ton for a distance not exceeding one third of the whole distance or under	0	0	9

Such trucks may be further propelled at expense of Corporation.

7. Provided, further, that it shall be lawful for the Corporation of Durban by their servants, horses, or cattle, and at their expense, to drag and propel any such trucks loaded as aforesaid, which shall have been dragged or propelled to the Durban station as aforesaid, from such station to any point of the Company's present line between the terminus at the end of Pine Terrace and the point of junction of West Street East with the line of railway, and to unload there, free of any further charge, by the Company. But so, nevertheless, that the Corporation shall not allow any such truck to stand and remain at the Durban station longer than absolutely necessary, or so as to impede the business of the Company there. Nor shall the Corporation allow any such truck to stand and remain on the present line of railway between the points aforesaid, so as in any way to obstruct the passage of trains along the railway between the Umgeni or the Durban station and the Point and *vice versa*.

Proviso.

Natal Railway.

8. It shall and may be lawful for the Company, and it is hereby authorised and empowered to contract with the Mayor, Councillors, and Burgesses of the Borough of Durban, or with the Town Council of the Borough on their behalf, for the leasing of any land adjoining or near the Umgeni terminus of the Umgeni line belonging to the said Corporation, not exceeding in the whole two-and-a-half acres, for the purpose of making, erecting, and providing stations, station yards, sidings, and places for the accommodation of passengers, and other buildings and conveniences : And the said Mayor and Councillors shall have power to contract as aforesaid, and to grant such lease or leases, subject to and with the consent and approbation of the Lieutenant Governor, anything in the Law No. 21, 1862, for the amending and consolidating the Laws in regard to Municipal Corporations to the contrary notwithstanding : And all such leases shall be registered at the Registry of Deeds Office with true and correct diagrams thereof.

Company may lease from Corporation ground for station.

Leases to be registered.

9. And in case no agreement as last aforesaid can be come to respecting the rent to be paid on the terms and conditions of the lease of the two-and-a-half acres last herinbefore referred to, the directors shall be, and they are hereby authorised and empowered to require the said Mayor and Councillors to lease any piece or pieces of land situate and not exceeding in the whole as aforesaid, and for the purposes aforesaid ; And the directors shall from time to time give notice of such intention and requirement to the said Mayor and Councillors, which notice shall be under the seal of the Company, and shall be served by leaving a copy or duplicate thereof at the Town Clerk's Office ; and every such notice shall state the situation and extent and particulars of the land so required, and that the directors are willing to treat for a lease and demand the terms on which the Mayor and Councillors shall be willing to lease the same, and shall state the term for which such land shall be required.

In default of agreeing, Company may require Corporation to grant lease.

Procedure.

10. If for twenty-one days after service of any such notice, the said Mayor and Councillors shall fail to treat with the directors, and shall not within that time agree with them as to the amount of the rent to be paid by the directors on any such lease, then if the Mayor and Councillors shall desire to have the same settled by arbitration, and shall signify the same by notice, in writing, to the directors (before they have presented a petition to the Supreme Court for the appointment of a Surveyor as hereinafter mentioned), stating in such notice the amount of the rent claimed by the Mayor and Councillors for or in respect of the land so required as aforesaid, then the same shall be settled by arbitration accordingly ; but unless the said Mayor and Councillors shall signify their desire to have the question of compensation settled by arbitration, or if when the matter shall have been referred to arbitration, the arbitrators or their umpire shall for three months have failed to make their or his final award, or if no final award shall be made, the question of compensation shall be settled by a Surveyor, appointed as hereinafter mentioned.

Rent may be settled by arbitration.

Or by a surveyor.

11. The arbitration for the determination and settlement of the amount of rent to be reserved and paid on any lease, by the Company under the provisions of this Law, shall be carried on, conducted, regulated, and enforced under such and the same powers, directions,

Proceedings to be under Law of 1859, §§ 24, 26.

Natal Railway.

provisoes, and conditions, manner, and form as are contained and set forth in the twenty-fourth to the thirty-sixth clauses (both inclusive) of the said hereinbefore recited Law of 1859, in relation to the settlement of the questions between the Company and the said Corporation therein authorised and directed to be submitted to arbitration and decided thereby, so and in such manner as if the said clauses hereinbefore referred to were incorporated into this Law, and were applied to the said questions hereinbefore authorised and directed to be referred to arbitration.

Failing arbitration, a surveyor may be appointed by the Court.

12. In case the said Mayor and Councillors shall not within twenty-one days from the service of any such notice as in the tenth clause hereinbefore mentioned agree with the directors as to the amount of the rent to be paid by them on any such lease, then at any time before the said Mayor and Councillors shall have signified their desire to have such question settled by arbitration, by notice as aforesaid, it shall be lawful for the directors, by petition to the Supreme Court of the Colony of Natal, upon such proof as shall be satisfactory to it, that the directors are entitled under the provisions of this Law to present such petition, and upon due proof of the service of a copy of such petition and of the affidavits intended to be used in support thereof, accompanied by notice of the day on which such petition is intended to be heard upon the said Mayor and Councillors, by leaving the same at the Town Office, the Supreme Court shall, after hearing both parties, if they shall appear, by Order of Court nominate and appoint a Surveyor or other person, who shall have full power and authority to settle and determine the amount of rent to be paid by the Company: and such Surveyor or other person shall give notice to the parties of the time and place of his sitting, and shall hear such evidence as may be tendered and brought forward before him by either party in reference to the matter in question, and he shall proceed to settle and determine the matters aforesaid, in accordance with such rules and regulations as shall be contained and set forth in the said Order of Court, and which rules and regulations the Supreme Court shall have full power to make as in its discretion shall be necessary.

Who may determine the rent.

Rents to be paid out of Company's funds.

13. That the monies to be paid by the Company for and on account of rent to Government of the working of the Umgeni extension line under this Law, and any contract to be entered into in pursuance thereof, shall be paid out of the general funds of the Company, and the moneys to be received in respect to the working of this Umgeni extension line shall go into and form part of the general revenue of the Company.

Decision of arbitrators or surveyors to be final.

14. The decision of any such arbitrators, or umpire, or surveyor, or other person authorised to act in the premises shall be final and conclusive between the said Mayor, the Councillors, and the Company, on the question or questions so referred to them or for decision. And all such acts, deeds, matters, and things shall be thereupon made, done and executed between the parties as may be ordered and directed to be made, done, and executed in and by any such award or other decision, in writing, or as shall be usual and necessary for carrying such award and decision into complete effect between the parties.

Award to be carried out.

Natal Railway.

15. It shall be lawful for the Company, and it is hereby authorised and empowered from time to time to contract with the Mayor, Councillors, and Burgesses of the Borough of Durban, or with the Town Council of the Borough on their behalf for the leasing by the Corporation to the Company of any piece or pieces of land which the Company may require for the purpose of forming thereon any short extension line or lines to any brickyard or to any village to be laid out near the said Umgeni line, and for the erection of any station or warehouse, or for the purposes of shunting trucks from off the Umgeni line at any point or points along the Umgeni line, or the Company's extension line or lines, and the Corporation and the Company respectively shall be, and they are hereby authorised and empowered to grant, receive, take, and execute, any lease or leases which may be necessary to carry out any such contract so entered into as aforesaid. And it shall and may be lawful for the Company to form and lay down on any such land so leased any such short extension railway or tramway, and to erect and build any such station or warehouse as aforesaid.

Company may contract with Corporation for ground for extension lines, stations, &c.

Company may lay out such lines, &c.

16. The powers conferred on the Company by the sixty-sixth and sixty-seventh clauses of the Company's Law, 1859, in reference to their entering into contracts with other Railway Companies for the passage of trains over the original line between Durban and the Point, and of trains of the Company over the lines of other Railway Companies, and all other clauses and parts of clauses relating thereto shall apply and extend to contracts for the passage of trains over the united line: Provided always that the directors shall not have power to enter into such contract with regard to any portion of any line constructed by the Government, unless with the permission and assent of the Government.

Company's powers of contracting with other railways to apply to united line.

Proviso.

17. And whereas it would be conducive to the interests of the public and of the Company if the curves in the line between Durban and the Point could be lessened, and the line made more direct and straight: Be it enacted, in order to facilitate the same, that the directors shall have full power to enter into contract with Her Majesty's Imperial Government, Her Majesty's Colonial Government, and the Mayor, Councillors, and Burgesses of the Borough of Durban, or either of them, for the exchange of lands now held by the Company on lease from the said Imperial Government, Colonial Government, or Corporation aforesaid, or either of them, for other lands adjoining, belonging to the said Imperial Government, Colonial Government, or Corporation respectively: And upon such contract being entered into, amended diagrams of the land so taken by the Company in exchange and held from the said Imperial Government, Colonial Government, and Corporation, shall be lodged with the Surveyor-General and Registrar of Deeds, and shall be annexed by the Registrar of Deeds to the respective leases by the said Imperial Government, Colonial Government, and Corporation respectively in favour of the Company and all copies thereof: And thereupon such leases respectively, and all clauses, covenants, conditions, and agreements contained therein shall be construed and held to be applied to the land delineated and described in and by such amended dia-

Preamble.

Company may contract with Imperial Government, &c., for exchange of lands.

Procedure.

Effect of such contracts.

Laws Expired.

grams, and as if the same land had been originally described in, and the amended diagrams thereof had been originally annexed to such leases respectively.

**This Law to be a
public Law**

18. This Law shall be considered as a public act, and taken notice of as such in all Courts of this Colony.

**Commencement
of Law.**

19. This Law shall commence and take effect from the publication thereof in the *Government Gazette*.

Given at Government House, this 24th day of August,
1865.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 1, 1866.

Law for making further provision for the service of the year 1865.

LAW No. 2, 1866.

Law for making further provision for the service of the year 1866.

LAW No. 3, 1866.

*Law for applying a sum not exceeding £92,836 5s. 11d. for the
service of the year 1867.*

LAW No. 4, 1866.

Law for making further provision for the service of the year 1867.

Little Basses Light Vessel.

LAW No. 5, 1866.

Law for authorising the Expenditure of a Sum not exceeding £20,000 towards the Construction of the Works to improve the Harbour of Natal.

LAW No. 6, 1866.

(Signed) JOHN J. BISSET.

Law to authorise the Levying and Collection of Dues within the Colony of Natal, in respect to the Little Basses Light Vessel at Ceylon.

WHEREAS, Her Majesty the Queen has been pleased to make and issue an Order in Council, in words and figures following, that is to say:—

Preamble.

“ At the Court at Windsor, the 18th day of May, 1865.

“ Present—

“ The Queen’s Most Excellent Majesty in Council.

“ WHEREAS, by the ‘Merchants’ Shipping Act Amendment Act, 1855,’ it is enacted, that in any case in which any lighthouse, buoy, or beacon, had been or should be there—after, erected or placed on or near the coasts of any British possession, by or with the consent of the legislative authority of such possession, Her Majesty might, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same, or derives benefit therefrom, as Her Majesty might deem reasonable :

Recites Merchants’ Shipping Act, 1855, giving power for Order in Council as to Lighthouses.

“ And whereas a light-vessel has, by and with the consent of the legislative authority of the Colony of Ceylon, been placed on the Little Basses Rock, in the said Colony, and a light is already exhibited therein :

That a light-vessel has been placed on Little Basses Rock in Ceylon.

“ And whereas the several classes of ships following : that is to say:—

And that certain specified classes of ships will derive benefit from such light-vessel.

“ Every ship which, in the same voyage by the southward of Ceylon, shall cross a line drawn from the southernmost point of Ceylon to the northwesternmost point of the Island of Sumatra, and also a line from the southernmost point of Ceylon to Cape Gardafin, on the eastern coast of Africa, and vice versa :

Little Basses Light Vessel.

“ Every ship which, in any voyage to or from any place
 “ in the Maldive Islands, shall cross a line drawn
 “ from the southernmost point of Ceylon to the
 “ northernmost point of Sumatra :

“ Every ship which, in any voyage from any port on the
 “ eastern coast of Africa, south of Cape Gardafin,
 “ or from any port in Madagascar, Bourbon,
 “ Mauritius, or any island adjacent to the same,
 “ including the Seychelles and the Chagos Islands,
 “ or in any voyage in which such ship will have
 “ rounded the Cape of Good Hope eastward, and
 “ shall cross a line drawn from the southernmost
 “ point of Ceylon to the southernmost point of the
 “ coast of Tenasserim, and shall, between the first
 “ day of April and the thirteenth day of September,
 “ both included, arrive at any port situate north of
 “ such line :

“ Every ship which, having departed between the first
 “ day of October and the thirty-first day of March,
 “ both included, from any port situate to the north-
 “ ward of such light, and also to the westward of
 “ the 90th meridian of longitude east from Green-
 “ wich, in any voyage to any port on the eastern
 “ coast of Africa, south of Cape Gardafin, or to
 “ any port in Madagascar, Bourbon, Mauritius, or
 “ any island adjacent thereto, including the
 “ Seychelles and the Chagos Islands, or in any
 “ voyage in which such ship shall round the Cape
 “ of Good Hope westward, shall cross the latitude
 “ of the said light on the eastward side of the said
 “ light, will pass the said light-vessel, and will
 “ derive benefit therefrom.

*Recites Order in
 Council thereon,
 that specified
 ships should be
 subject to a duty
 of one penny per
 ton.*

“ Now, therefore, Her Majesty, in exercise of the powers
 “ vested in her by the said recited Act, by and with the
 “ advice of Her Privy Council, is pleased to direct that from
 “ and after the date of this present Order, the dues in respect
 “ of the said light-vessel upon the Little Basses Rock, to be
 “ paid for every such ship as aforesaid, except ships belonging
 “ to Her Majesty, her heirs and successors, shall be one
 “ penny per ton of the burthen of every such ship for every
 “ such voyage as aforesaid.”

*Recites expedi-
 ency of such
 Order in Council
 applying to
 Natal.*

And whereas it is expedient to make regulations for the due and proper collection of such tolls within the limits of this Colony :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

*Duty to be paid
 to the Collector
 of Customs on
 all such vessels
 touching at Port
 Natal.*

1. There shall be payable to the Collector of Customs of the Colony of Natal, in respect to the said light-vessel upon Basses Rock, a duty at the rate of one penny per ton of the burthen of

Little Basses Light Vessel.

every ship for every voyage between any port in the Colony of Natal and any other port, wherever situate or being, in the course of which voyage such ship shall have crossed, or shall have to cross, any of the lines or latitudes directed in such Order in Council, and departing from, or arriving at, any other of the ports mentioned or referred to therein.

2. It shall be lawful for the Collector of Customs of Natal to refuse to clear any ship having to cross, or having crossed, any such lines or latitudes as aforesaid, and to withhold such clearance until the said dues have been paid to him, or in the event of such dues having been already paid at any of the ports of clearance of such ship, until proof of such payment, to the satisfaction of the Collector of Customs, is produced to him.

Collector of Customs may refuse to clear ship till duties paid.

3. For each and every payment made under the provision of this Law, the Collector of Customs shall grant a receipt, wherein shall be specified the date of payment, the registered tonnage and name of ship, the amount paid, and the particular voyage in respect of which such payment shall have been made; and shall also, if required so to do, notify such payment on the ship's clearance, or otherwise in such form as may be by any direction of Her Majesty's Secretary of State for the Colonies for such purpose provided, or by any Proclamation of the Lieutenant Governor of Natal required or deemed necessary.

Collector to grant receipt, and notify payment on ship's clearance.

4. The Collector of Customs aforesaid shall keep, in such form as the Lieutenant Governor may from time to time desire, a separate account of all dues collected by him under the provisions of this Law, and shall, at the close of each month, forward to the Colonial Treasurer full statements of his said collections, in form as aforesaid, and shall pay into the Colonial Treasury the respective amounts thereof, specifying the sums that are deductible therefrom, as the percentage for defraying the cost of collection thereof.

Collector to keep separate account of such dues, and forward monthly statements to Colonial Treasurer.

5. The dues to be levied and collected under the provisions of this Law, less a sum of five per cent. to defray the costs of collection thereof, shall be transmitted to Her Majesty's Paymaster General, for and on account of the Board of Trade.

The dues to be transmitted to Board of Trade.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,

Colonial Secretary.

Insolvent Law Amendment.

LAW No. 7, 1866.

(Signed) JOHN J. BISSET.

Law to amend Ordinance No. 24, 1846, entitled Ordinance for the regulating the Due Collection, Administration, and Distribution of Insolvent Estates within the District of Natal, and to make Provisions to secure a more expeditious Appointment of Trustees, and Liquidation and Distribution of such Estates.

Preamble.

Vide Ord. 24,
1846.

WHEREAS, the liquidation and administration of the estates of persons becoming insolvent is now attended with unnecessary delay, and many inconveniences result therefrom: And whereas it is expedient to provide a remedy therefor, and for this purpose to amend the Ordinance No. 24, 1846, by altering certain of the provisions contained in Ordinance No. 6, 1843, made by the Legislature of the Cape of Good Hope, which were by the first-named Ordinance extended to this District (now Colony) of Natal, and to make such provisions as will secure the more expeditious liquidation and distribution of such estates:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Certain parts of
Ordinance No.
24, 1846, or Cape
Ordinance No. 6,
1843, repealed.
Office of provi-
sional trustee
abolished.

1. That the 43rd, 47th, 77th, so much of the 48th, and of any other sections of the said Ordinance No. 6, 1843, or of the said Ordinance No. 24, 1846, entitled, "Ordinance for the regulating the due collection, administration, and distribution of Insolvent Estates within the District of Natal," as relate to the appointment of a provisional trustee, the earlier portion of the 25th section of said Ordinance No. 6, 1843, from the commencement to the words "and for electing a trustee for the collection, administration, and distribution thereof" (said words inclusive) and other parts or portions which may be inconsistent with or repugnant to the provisions hereof, but no further, be, and the same are hereby, repealed. Provided, that nothing herein contained shall be held to repeal or otherwise affect the latter portion of the said 25th section, so far as the same relates to the procedure to be observed where the estate of the insolvent is under £75 in value.

Not to affect
procedure where
estate under £75
in value.

Certain other
sections of above
Ordinance
modified.

2. The words "first meeting" shall be held as substituted for the words "second meeting" in the first line of the 40th, and at the beginning of the 60th, 64th, and 71st, and "third meeting" shall be held as substituted for "second meeting" in the 37th, and "trustee or trustees" for "Master of the Supreme Court" at the beginning of the 106th sections of such Ordinance No. 6, 1843, so far as such sections relate to the Colony of Natal, and as if referred to or contained in the said Ordinance No. 24, 1846.

New clause to be
deemed inserted
into Ordinance
No. 6, 1843.

3. The following words shall be taken and deemed as if inserted in the said Ordinance No. 6, 1843, and as if referred to or contained in said Ordinance No. 24, 1846, in lieu of so much of the said 25th section of said first-mentioned Ordinance as is hereby repealed: "And be it enacted, that the Master of the Supreme

Insolvent Law Amendment.

" Court shall, after any estate has been placed under sequestration, upon surrender thereof as insolvent, or has been adjudged to be sequestrated, forthwith cause notice thereof to be given in the *Government Gazette* of this Colony, and shall thereby appoint a public meeting of the creditors of such estate, at such time and place as he shall deem most convenient for all the parties concerned, but not later than fourteen days from the publication in the *Gazette* in which such notice shall be given, to be held before himself or any Resident Magistrate, for receiving proof of debts against the said estate, and for electing a trustee or trustees for the collection, administration, and distribution thereof. And the said trustee or trustees shall, immediately after his or their confirmation, in like manner by advertisement in the *Government Gazette* (being the same advertisement as that in which notice is hereinafter required to be given of his or their confirmation), appoint a second and third public meeting, to be held before the Master of the Supreme Court, or any Resident Magistrate, and set forth the purposes of such meetings, the second of which shall be held not later than fourteen days, for the proof of debts, and the third not later than one calendar month from the date of his or their confirmation, for proof of debts, and also for laying before the Master, or Resident Magistrate, his or their report as to the condition of the insolvent estate, and for receiving from the creditors, directions as to the management thereof."

Time and manner of holding the three first meetings for election of trustee, proof of debts, &c.

4. This Law, or any of the provisions thereof, shall have no operation or effect upon any surrenders of any insolvent estates, which have been made and accepted prior to the period at which it shall come into effect.

Law not to apply to surrenders already accepted.

5. This Law shall commence and take effect from and after the date of its publication in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 8, 1866.

Law to make Provision for the Destruction of certain Noxious Animals within the Colony of Natal.

Repealed by Law No. 12, 1868, § 1.

Durban Circuit Court.

LAW No. 9, 1866.

(Signed) JOHN J. BISSET.

Law for making Better Provision for the Holding of the Circuit Court for the District of Durban."

Preamble.

Vide Law 10,
1857.

WHEREAS it is provided by the Law No. 10, 1857, entitled, "Law for the Better Administration of Justice in the Colony of Natal," that Courts, to be called Circuit Courts, shall be held in each of the Districts into which the Colony shall be divided by any Proclamation to be from time to time issued by the Governor, and at such time and at such places within each such District as the Governor shall from time to time appoint: And whereas it would tend greatly to facilitate the administration of justice if provision was made to continue the sittings of the said Circuit Court for the District of Durban by adjournment over from one vacation to another during which the Supreme Court shall not be sitting:

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. [Repealed by Law No. 15, 1868, § 1.]

Governor may direct Circuit Court to be held before arrival of day to which it has been adjourned.

2. The Governor may, notwithstanding such adjournment, direct and appoint that any such Circuit Court may be held for the District of Durban before the arrival of the day to which such Circuit Court may have been adjourned; and the holding of such Circuit Court shall not interfere with or interrupt the adjournment previously ordered under the provisions of this Law.

If no Judge present on day to which such Court has been adjourned, such adjournment shall continue till next appointed Circuit Court.

Vide Law 10,
1857.

3. In any case in which, on the day to which the said Circuit Court shall stand adjourned, there shall be none of the Circuit Judges present to preside at such Circuit Court, then such adjournment shall be deemed to be and continue in full force and effect to any future day to be directed and appointed by the Governor under the provisions of the said Law No. 10, 1857.

Governor may include other districts within the Durban district.

Vide Law 10,
1857.

4. The Governor may from time to time by proclamation declare that any other Districts into which the Colony may be divided under the provisions of the said Law No. 10, 1857, shall be included in the District of Durban for the purposes of any Circuit Court.

Governor may direct Circuit Court to be held within annexed District.

Law 10, 1857,
not altered.

5. The Governor may, at any time, although such other Districts are so included in the District of Durban, direct and appoint that any Circuit Court may be held at such time and place within any such District as to him may seem fit.

6. This Law shall not be deemed in any way to alter or repeal any of the provisions of the Law No. 10, 1857.

Game Law.

7. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*. Commencement of Law.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1866.

(Signed) JOHN J. BISSET.

Law to prevent the Indiscriminate Destruction of Certain Valuable Wild Animals within the Colony of Natal.

WHEREAS it is expedient to adopt measures to prevent the capture or destruction, during certain seasons of the year, of the divers wild animals specified in the Schedules A, B, and C, to this Law annexed, and to check trespassing on the lands of private persons and Crown lands, by persons in pursuit of, or with intent to kill or capture, or wilfully disturb, any of the animals above referred to:

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall not be lawful for any person within the said Colony, from the fifteenth day of September to the fifteenth day of April, both inclusive, to capture or destroy, or attempt or aid in capturing or destroying, by nets, springes, gins, traps, or snares, or by any other means, or to shoot, or hunt with dogs or otherwise, or in any other manner to kill, or attempt to kill, chase, pursue, or otherwise wilfully disturb, any of the animals specified and set forth in the schedule marked A, to this Law annexed.

Certain birds, &c., not to be killed, &c., between 15th September and 15th April.

2. It shall not be lawful for any person, from the fifteenth day of August till the thirtieth day of November, both inclusive, to capture or destroy, or attempt or aid in capturing or destroying, by means of nets, springes, gins, traps, or snares, or by any other means, or to shoot, or hunt with dogs or otherwise, or in any other manner to kill, or attempt to kill, chase, pursue, or otherwise wilfully disturb, any of the animals specified in Schedule B, hereunto annexed.

Certain quadrupeds, &c., not to be killed, &c., between 15th August and 30th November in any year.

Game Law.

Certain quadrupeds and birds not to be killed, &c., without Governor's permission.

3. It shall not be lawful for any person, at any period during the year, to capture or destroy, or attempt or aid in capturing or destroying, by means of nets, springes, gins, traps, or snares, or by any other means, or to shoot, or hunt with dogs or otherwise, or in any other manner to kill, or attempt to kill, chase, or pursue, or otherwise wilfully disturb, any of the animals specified in Schedule C, hereunto annexed, except by permission of the Lieutenant Governor.

Penalty.

4. Any person contravening any of the provisions of the three preceding sections hereof, shall be liable to a penalty not exceeding ten pounds sterling.

Game may be killed to preserve crops, &c.

5. Provided, that no person, who shall do or cause to be done any of the acts prohibited in sections one, two, and three hereof, shall be deemed to have contravened the provisions of said sections one, two, and three hereof, if such acts shall be done for the *bond fide* purpose of protecting growing crops, plantations, gardens, or other cultivated lands.

Three or more persons trespassing in pursuit of game without permission liable each to a fine of £10.

6. Where three or more persons, at one and the same time, at any period of the year, shall unlawfully trespass on lands belonging to any private person, without the consent of the owner or occupier thereof, or on Crown lands, without the consent of the Lieutenant Governor or the Resident Magistrate of the County or Division within which such lands are situated, with the intent to capture, destroy, or to aid in capturing or destroying, by nets, springes, gins, traps, or snares, or by any other means, or to shoot, or hunt with dogs or otherwise, or in any other manner to kill, chase, or pursue, or otherwise wilfully disturb, any of the animals specified in the schedules marked A, B, and C, to this Law annexed, each and every such person shall be liable to a penalty not exceeding ten pounds sterling, or, in default of payment thereof, to imprisonment, with or without hard labour, for any period not exceeding three months.

Any person found trespassing in pursuit of game may be required to leave the lands and give his name.

7. Any person found trespassing on any private or Crown lands, in pursuit or in search of any of the animals mentioned in Schedules A, B, and C, hereto annexed, with or without dogs, may be lawfully required by the owner or occupier of such private lands, or any servant or other person empowered by such owner or occupier, or, in the case of Crown lands, such trespasser may be required by any Resident Magistrate, Fieldcornet, or Constable, forthwith to quit such private or Crown lands, and also to state his real name and place of abode; and any person who shall refuse or wilfully delay to quit such lands, on being required so to do, or to state his true name or place of abode, shall be liable to a penalty not exceeding ten pounds sterling, or, in default in payment thereof, to imprisonment for any period not exceeding three months.

Penalty.

8. All contraventions of any of the preceding sections of this Law may be prosecuted by any private person before the Court of any Resident Magistrate having jurisdiction, in accordance with the provisions of Ordinance No. 16, 1846, entitled "Ordinance for creating Resident Magistrates within the District of Natal," or before any Branch Court, in accordance with the provisions of Law No. 6, 1859, entitled, "Law to provide for the holding of Branch Courts by Resident Magistrates,"

Contraventions of this Law to be prosecuted by any private person before Court of Resident Magistrate or Branch Court.

Game Law.

9. All fines and penalties levied in virtue of any of the preceding sections hereof, shall belong to Her Majesty, her heirs and successors, and shall be applied to the uses of the Government of this Colony: Provided it shall be lawful for such Resident Magistrate to award one-half of any such fine or penalty to any informer, by whose information any person shall be convicted of contravening any of the provisions of any of the preceding sections of this Law.

Fines to belong
to Her Majesty.

Moiety may be
awarded to
informer.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette* of this Colony.

Commencement
of Law.

SCHEDULE A.

All varieties of the birds undermentioned, and termed or known in this Colony as—the partridge, pheasant, pauw, korhan, guinea fowl, crane.

SCHEDULE B.

The buffalo, quagga, bonte quagga (or zebra), hares, and all varieties of the antelope genus, generally termed or known in this Colony as—the impala, rietbok, rheebok, steenbok, ouribi, boschbok, bluebok, klipspringer, duiker.

SCHEDULE C.

The eland, hartebeeste, ostrich, secretary-bird, turkey-buzzard known as the isingisi.

Given at Government House, this 8rd day of August,
1866.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Contagious Diseases.

LAW No. 11, 1866.

*Law to amend the Law No. 12, 1862, entitled, "Law to amend the
"Law Regulating the Dealing in Gunpowder."*

Disallowed. *Vide* Proclamation, 8th March, 1867.

LAW No. 12, 1866.

*Law to alter and amend Ordinance No. 4, 1851, entitled,
"Ordinance for Regulating the Conveyance and Postage of
"Letters."*

Repealed by Law No. 11, 1867, § 1.

LAW No. 13, 1866.

(Signed) JOHN J. BISSET.

*Law to empower the Lieutenant Governor to Prohibit the Importation
and Introduction into the Colony of Natal, of Cattle and
Other Animals, from Places where Contagious or Infectious
Diseases prevail, and of Cattle and Other Animals suspected
of being infected with Contagious or Infectious Diseases, and
to provide Measures of Protection against the spread of such
Diseases, and to extend the Provisions of Ordinance No. 6,
1854.*

Preamble.

WHEREAS the prevalence of a virulent and contagious disease among the cattle of the United Kingdom of Great Britain and Ireland, and elsewhere, known as the rinderpest, renders it expedient and necessary to confer on the Lieutenant Governor, acting with the advice of his Executive Council, special power and authority to provide against the dangers likely to arise therefrom :

Be it therefore enacted by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Contagious Diseases.

1. It shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, whenever it shall be deemed necessary, to prohibit, by Proclamation in the *Government Gazette*, the importation into the Colony of Natal, either by sea or land, or both, of live stock of any or of all kinds, and whenever, after the issuing of such Proclamation as aforesaid, any such live stock, shall be so imported, to order the destruction of the same, except in certain cases hereinafter provided for.

Governor may prohibit importation into Natal of all cattle;

And order destruction thereof, if imported.

2. When any person shall have imported any stock, the shipment of which shall have taken place before the issuing of the Proclamation aforesaid, it shall be lawful for the Lieutenant Governor to award, in case of the destruction of such animal, in accordance with clause one, compensation to such person equal to the market value in this Colony of the animal destroyed: Provided that such animal, on its arrival in this Colony, be not infected with any contagious disease: Provided also, that it shall be proved to the satisfaction of the said Governor, that it was not in the power of the importer, after the issuing of the Proclamation aforesaid, to have countermanded or prevented such shipment and importation. The value of the animal in such cases to be decided by two arbitrators, to be chosen respectively by the Government and the importer, and in case of difference, said arbitrators shall choose an umpire, whose decision shall be final.

Governor may award compensation for animals destroyed, if not diseased.

Value to be fixed by two arbitrators or umpire.

3. It shall be lawful for the Lieutenant Governor, as aforesaid, to permit healthy animals, although included in the prohibition aforesaid, to be admitted to quarantine for such period and on such terms and regulations, as may be determined on by the Lieutenant Governor and accepted by the importer or owner.

Governor may admit imported cattle to quarantine on terms.

4. In the event of any such virulent and contagious disease breaking out in any portion of the Colony, it shall be lawful for the Lieutenant Governor, as aforesaid, to declare, by Proclamation in the *Government Gazette*, such portion within certain limits to be infected, and to cause the immediate destruction within such limits of all stock as may be deemed liable to spread such disease, in which case compensation shall be made to the owners of healthy animals destroyed in virtue of such Proclamation at an equitable rate to be hereafter determined upon.

If disease breaks out in Colony, Governor may proclaim any portion infected, and order destruction of cattle therein.

5. It shall be lawful for the Lieutenant Governor, as aforesaid, to make and proclaim such rules and regulations as may be required to carry out the objects of this Law, and to impose such penalties, not exceeding fifty pounds, for each separate contravention of the Proclamation issued under its provisions as may be found necessary to enforce the same; and that all such penalties shall be payable to Her Majesty, her heirs, and successors, for the uses of the Colonial Government, and may be prosecuted for by the respective Clerks of the Peace in the Courts of the respective Resident Magistrates, with power to such Resident Magistrate, in cases of non-payment, to levy by warrant of distress and sale, and also with power of committal of offenders to the common gaol for a period not exceeding six months, with or without hard labour; and with all other powers

Governor may proclaim rules, and impose penalty of £50.

Penalties may be prosecuted for in Magistrate's Court.

Contagious Diseases.

Vide Ord. 16,
1846.

Commencement
of Law.

granted to Resident Magistrates in like cases of non-payment of penalties, by Ordinance No. 16, 1846, entitled, "Ordinance for creating Resident Magistrates within the District of Natal."

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 3rd day of August,
1866.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 14, 1866.

Law to check the Spread of Lung-sickness by Sales of Lung-sick Cattle.

Repealed by Law No. 22, 1869, § 1.

LAW No. 15, 1866.

Law for abating the Nuisance and Damage done to Property, and the Destruction of Game, occasioned by the Great Number of Dogs in the Colony of Natal.

Never in force ; necessary Proclamation never issued. *Vide* Law No. 27, 1875.

LAW No. 16, 1866.

Law for the establishment of a Free Reciprocal Coasting Trade between the Colonies of Natal and the Cape of Good Hope ; and to alter or amend the Law No. 13, 1863, entitled, " Law " for levying certain Duties of Customs within the Colony of " Natal."

Repealed by Law No. 9, 1867, § 1.

Mortgages and Bonds.

LAW No. 17, 1866.

(Signed) JOHN J. BISSET.

Law to declare the rights of Mortgagees and Bondholders on Immoveable Property within the Colony of Natal, with reference to Judicial Sales under Process of the Courts of the said Colony.

WHEREAS doubts have arisen as to the rights of mortgagees and bondholders on immoveable property specially bound or charged to them in security for moneys due on such mortgages or bonds, in cases of judgment, order, or attachment and judicial sale under process of any of the Courts of this Colony, and it is advisable to remove such doubts, and to protect such mortgagees and bondholders from forced sales under such processes :

Be it therefore enacted by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. In all sales of immoveable property under judicial process of any Court of this Colony upon unsecured debts, each such sale shall be made subject to the conditions of any and every valid mortgage or bond that may exist thereon, or to the liquidation of the full amount of every such mortgage or bond.

Sales of immoveable property under judicial process upon unsecured debts to be made subject to all mortgages thereon or to payment thereof.

2. Provided, nevertheless, that upon all such sales it shall be in the discretion of the aforesaid Courts, in pursuance of the rules or regulations of such Courts, to make such orders in regard to the conditions of sale of such property as such Courts may deem fair and reasonable, whether any such mortgagees or bondholders shall have been present or not at any meeting of creditors convened for the purpose of determining the conditions of any such sale as aforesaid.

Courts may make orders as to conditions of sale, &c.

3. In any case in which any other than first mortgagees or bondholders shall obtain any judgment, order, or attachment for judicial sale of any specially mortgaged immoveable property, then every such sale thereunder shall be made subject to the full satisfaction and liquidation of all prior existing valid mortgages or bonds thereon, and subject also to the provisions of the preceding clause in respect to the conditions of sale under such process.

Where property sold at instance of posterior mortgagees, sale to be made subject to liquidation of prior mortgages.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
- Colonial Secretary.

Customs.

LAW No. 18, 1866.

(Signed) JOHN J. BISSET.

Law to repeal Law No. 30, 1865, entitled, "Law to amend the Ordinance No. 6, 1855, entitled, 'Ordinance for the General Management and Regulation of the Customs in the District of Natal,'" and also to amend the said Ordinance No. 6, 1855.

Preamble.

WHEREAS it is expedient to repeal the Law No. 30, 1865, and to amend the Ordinance No. 6, 1855, and thereby to make provision for the appointment of warehouses within the City of Pietermaritzburg, for the free warehousing and securing of goods therein for the purposes of the said Ordinance No. 6, 1855; and also to provide for the collection of the Customs' duties payable on such goods, according to the tariff law now in force, or that may hereafter be in force at the time of clearance of said goods for home consumption :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Law No. 30, 1865.
repealed.

1. The Law No. 30, 1865, entitled, "Law to amend the Ordinance No. 6, 1855, entitled, 'Ordinance for the general management and regulation of the Customs in the District of Natal,'" shall be, and the same is, hereby repealed.

City of Pietermaritzburg a
free warehousing
station.
Vide Ord. 6,
1855.

2. The City of Pietermaritzburg shall be a free warehousing station for all the purposes of the Ordinance No. 6, 1855.

Collector of
Customs may
appoint ware-
houses in that
City with approval
of Governor.
Vide Ord. 6,
1855.

3. It shall be lawful for the Collector of Customs at Port Natal, by notice in writing under his hand, to appoint from time to time, such warehouses in the City of Pietermaritzburg as shall be approved by him, for the free warehousing and securing of goods therein for the purposes of the Ordinance No. 6, 1855; and also in such notice to declare what sorts of goods may be so warehoused; and also by like notice, to revoke or alter any such appointment or declaration: Provided always, that every such notice and declaration shall be transmitted for the approval of the Lieutenant Governor, and shall be published in the *Government Gazette*.

Importer may
warehouse goods
in such ware-
houses without
payment of duty
on first entry.
Exceptions.

4. It shall be lawful for the importer of any goods into Port Natal to warehouse the same in the warehouses authorised to be appointed under this Law, without payment of duty on first entry thereof; save and except such amount of duty as may accrue by the loss or diminution of such goods in the transport thereof from Port Natal to the warehouse in Pietermaritzburg in which they are to be deposited: And all goods so warehoused, or entered to be warehoused, shall be subject to the rules, regulations, restrictions, and conditions made and provided in the aforesaid Ordinance No. 6,

Customs.

1855, in respect to goods warehoused at Port Natal; and also to such further regulations as the Collector of Customs may make for the due protection of the Customs' revenue on goods warehoused or entered to be warehoused under this Law.

5. Upon the entry of any goods to be warehoused under this Law, the importer of such goods shall give bond, with one sufficient surety to be approved of by the Collector of Customs, in treble the amount of duty payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in the entry within fourteen days of the landing of the goods at Port Natal; and also for the payment, within twenty-four hours of the demand for the same by the proper officer, of any and such amount of duty as may have accrued by loss or diminution of such goods in the conveyance thereof to the warehouse named in the entry; and with further condition that no part of said goods shall be taken out of such warehouse without due entry for home consumption and payment of duty; and that the whole of such goods shall be cleared from such warehouse, and the duties thereon be paid within two years from the first landing thereof at Port Natal: Provided always, that it shall be lawful for the Collector of Customs, on good cause shown, to grant further time to such goods, should the balance be not more than one-third of the original quantity warehoused, and a fresh bond be given, to the satisfaction of the Collector of Customs.

6. If any goods which have been entered to be warehoused under this Law shall not be duly carried to and deposited in the warehouse named in the bond given by the importer, or if any such goods shall be fraudulently removed from such warehouse, or from the carts or wagons conveying goods to and from said warehouse while under bond, or if the packages or the goods contained therein shall be altered or tampered with so as to evade the collection of the proper duties thereon, such goods shall be forfeited: And every person so fraudulently removing goods entered to be warehoused, or taking goods out of a bonded warehouse, or who shall assist and be concerned therein, and every person who shall wilfully embezzle, pilfer, or tamper with such goods warehoused or entered to be warehoused, or while being conveyed in carts or wagons to or from such warehouse while the goods are under bond, shall be deemed guilty of theft, and, upon conviction, suffer the punishment inflicted by law in cases of theft.

7. It shall be lawful for any officer of Customs appointed under this Law to search any cart or wagon suspected of removing goods contrary to the provisions of this or any other Law relating to the Customs; and all goods so illegally removed, and all carts, wagons, or other carriages, with the cattle, horses, or mules drawing the same, made use of in such illegal removal, may be seized and secured by any officer appointed under this Law: And every person who shall in any way hinder, oppose, molest, or obstruct any officer appointed under this Law when in the exercise of his office, or any person acting in his aid and assistance, shall, for every such offence, forfeit a sum not exceeding one hundred pounds.

Goods to be subject to provisions of Ordinance No. 6, 1855.

Importer to give bond, with surety, to satisfaction of Collector of Customs, to secure payment of duties.

Goods must be cleared from warehouse and duty paid within two years.

Collector of Customs may extend time.

Goods not duly warehoused, or removed from warehouse, or tampered with by the way, &c., to be forfeited.

Person fraudulently removing, embezzling, or tampering with such goods guilty of theft.

Officer of Customs may search cart, &c., suspected of unlawfully removing goods. Goods and vehicles, &c., to be forfeited. Penalty for obstructing officer.

Customs.

Governor may appoint Custom-house officers in Pietermaritzburg.

8. For the purposes of this Law it shall and may be lawful for the Lieutenant Governor, subject to the approval of Her Majesty's Secretary of State for the Colonies, to appoint at Pietermaritzburg such officers as may be necessary for the due warehousing of goods in the City of Pietermaritzburg, and for the collection of the Customs' duties on such goods; and such officers shall be deemed to form portion of the general Customs' establishment of the Colony, and be under the supervision and direction of the Collector of Customs at Port Natal.

How goods are to be cleared from warehouse for home consumption.

9. On the clearance of any goods for home consumption from the warehouses appointed under this Law, the importer or his agent shall deliver to the officer appointed for the purpose, in Pietermaritzburg, a bill of the entry thereof, fairly written in words at length, containing the name of the importer, ship, and place from whence the goods were imported, with particulars of the quantity and quality of said goods; and shall also deliver at same time one or more duplicates of said bill, in which all sums and numbers may be expressed in figures, and the particulars in such bills of entry shall be written and arranged in such form and manner as the Collector of Customs shall require; and such importer or his agent shall, at the same time, pay down all duties due upon the goods mentioned in the entry of the same, and the proper officer, appointed for the purpose, shall thereupon grant an order to the locker to release the said goods from the warehouse in which they may be deposited.

Duties must be paid.

Additional duty on goods entered for home consumption.

10. There shall be paid upon every home consumption entry passed under this Law, in addition to the Customs' duties payable thereon, a further charge of two and a half per cent. upon the total amount of duty on the goods specified in said entry.

Declaration of value of goods entered for home consumption to be made by importer or agent.

11. In all cases where the Customs' duties imposed by any tariff law of this Colony, in force at the time of release of goods from any bonding warehouse appointed under this Law, are charged according to the value of said goods, the following declaration shall be made by the importer, or his agent, at the time of passing the home consumption entry, mentioned in the preceding section:—

" I, A B, do hereby declare that the articles mentioned in
" this entry, and contained in the packages as specified
" above, are of the value of

" Witness my hand, this day of 18 .

" A B.

" Signed and declared in the
" presence of ."

Declaration to be written on bill of entry.

Declared value must not be less than original value.

Which declaration shall be written on the bill of entry, and shall be subscribed with the hand of the person entering the goods, in the presence of the proper officer of Customs appointed under this Law: Provided always, that such declaration shall not be accepted, if the value of the goods specified therein be declared at less than the original value of said goods, according to the account taken at the first landing thereof at Port Natal.

Customs.

12. It shall and may be lawful, on a request in writing made to the Collector of Customs, Port Natal, to remove goods deposited in a bonding warehouse at that Port to a like warehouse at Pietermaritzburg, or from a bonding warehouse in Pietermaritzburg to a like warehouse at Port Natal, provided that bond be first given by the importer or proprietor of the goods, with same conditions as specified in section five, for the bond given on first importation of goods at Port Natal, save and except that the time within which such goods shall be removed shall not exceed ten days from the date of the removal-bond relating thereto, and required by this section.

How goods may be removed from one warehouse to another.

13. The conveyance of all goods to and from the warehouses appointed under this Law, and the receipt and delivery of such goods, and the bringing of them to the proper officer for examination, weighing or gauging, and the putting such goods into and out of the scales, and the opening and closing of casks and other packages, shall be performed by and at the expense of the proprietor of the goods, or his recognised agent.

Conveyance, weighing, gauging, &c., of goods to be performed at expense of proprietor of goods.

14. The sections numbered forty-six to fifty-three, inclusive, of Ordinance 6, 1855, relating to the powers and privileges of Collector of Customs in regard to goods warehoused at Port Natal, shall be applicable to the warehouses appointed under this Law, and the goods secured therein, and other matters and things connected therewith, except as herein otherwise provided for.

Certain defined sections of Ord. No. 6, 1855, shall be applicable to warehouses under this Law.

15. All the provisions of the said Ordinance No. 6, 1855, shall be, and are hereby declared applicable to the officers to be appointed and the warehouses to be established by virtue of this Law, to the goods warehoused or entered to be warehoused therein, and to all other matters and things connected therewith or pertaining thereto, except in so far as such provisions may be inconsistent with the provisions hereof, or inapplicable thereto.

All the provisions of Ord. No. 6, 1855, not inconsistent with this Law declared applicable to officers, warehouses, &c., to be appointed thereunder.

16. It shall be lawful for the Collector of Customs from time to time to frame regulations for such warehouses and such matters above referred to, in accordance with the provisions of said Ordinance and of this Law; and such regulations shall be valid and effectual when sanctioned by the Lieutenant Governor, and published in the *Government Gazette*.

Collector of Customs may make regulations with sanction of Governor.

17. All penalties and forfeitures which may be incurred, and all goods, carriages, and cattle, which may be seized under this Law, shall and may be prosecuted, sued for, and recovered in the Supreme Court of this Colony, in the name of the Collector of Customs, or other principal officer of Customs, or of Her Majesty's Attorney General.

Penalties, &c., may be prosecuted for in Supreme Court in name of Collector of Customs or Attorney General.

18. This Law shall commence and take effect within one month after promulgation in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Winding-up Law.

LAW No. 19, 1866.

(Signed) JOHN J. BISSET.

*Law to facilitate the Winding-up of Joint-stock Companies.***Preamble.**

WHEREAS it is expedient to make provision for facilitating the winding-up the affairs of Joint-stock Companies :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Definition of "Joint-stock Companies" and "Company."

1. The terms "Joint-stock Companies" and "Company" used in this Law, shall refer to and embrace every Company having its capital divided into transferable shares, and managed for the common advantage of the shareholders by one or more directors elected by such shareholders.

Liability of shareholders.

2. In the event of any Company being wound up under the provisions of this Law, the existing shareholders shall be liable to contribute to the assets of the Company, to an amount sufficient to pay the debts of the Company, and the costs, charges, and expenses of winding-up the same, with this qualification, that if the Company is limited, no contribution shall be required from any shareholder exceeding the amount, if any, unpaid on the shares held by him, or the amount to which he is otherwise legally liable under the Law of Incorporation, or Deed of Settlement of such Company, or under the provisions of this Law.

In limited companies.**Liability in unlimited companies.**

3. In the event of any Company other than a limited Company being wound up under the provisions of this Law, any person who has ceased to be a shareholder within the period of two years prior to the commencement of the winding-up, shall be deemed, for the purposes of contribution towards payment of the debts of the Company, and the costs, charges, and expenses of winding-up the same, to be an existing shareholder, and shall have, in all respects, the same rights and be subject to the same liabilities to creditors, as if he had not so ceased to be a shareholder, with this exception, that he shall not be liable in respect of any debt of the Company contracted after the time at which he ceased to be a shareholder.

Shareholders in limited companies liable for two years retrospectively.

4. In the event of any limited Company being wound up under the provisions of this Law, any person who has ceased to be a holder of any share or shares within the period of two years prior to the commencement of the winding-up, shall be deemed, for the purposes of contribution towards payment of the debts of the Company, and the costs, charges, and expenses of winding up the same, to be an existing holder of such share or shares, and shall have in all respects the same rights, and be subject to the same liabilities to creditors as if he had not so ceased to be a shareholder.

Who can apply to have a company wound-up.

5. Any person who shall be a creditor of any Joint-stock or other Company, and whose debt shall amount to fifty pounds and upwards, or who shall claim to be a contributory of a Company, may present a petition to the Supreme Court in a summary way for the winding-up of the affairs of such Company in any of the following cases, that is to say :

Causes for winding-up.

Winding-up Law.

- 1st. If any Company shall have committed any act of insolvency under the Ordinance No. 24, of 1846, entitled "Ordinance for regulating the due collection, administration, and distribution of Insolvent Estates within the District of Natal." Insolvency;
- 2nd. If any Company shall, by virtue of a resolution passed in that behalf at a meeting of the shareholders of such Company or of the directors of such Company, have filed, or have caused to be filed, in the office of the Registrar of the Supreme Court of this Colony, a declaration in writing that such Company is unable to meet its engagements. By resolution of shareholders on filing declaration;
- 3rd. If any person shall have recovered judgment for any debt or demand in any Court of this Colony against such Company, or against any person authorised to be sued as the nominal defendant on behalf of such Company, or against any one or more of the members of such Company, acting in that behalf, and such judgment debt shall remain unpaid or unsecured or uncompounded for the space of sixty days from the date of such judgment. Judgment against company or any member unsatisfied for sixty days;
- 4th. If any decree or order shall have been pronounced in any cause pending in any such Court, or any order made therein in any matter of insolvency or lunacy or minority against any such Company or person authorised to be sued, or against any one or more of the members or contributories of such Company on that behalf, or acting on the behalf of other members or contributories thereof, ordering any sum of money to be paid by such Company, and such Company shall not have paid the same at the time when the same ought, according to the exigency of such decree or order, to be paid. Order or decree of Court unliquidated within time specified;
- 5th. If any action shall have been brought against any contributory of a Company for any debt or demand which shall be due or claimed to be due from or by such Company, and such Company shall not, within ten days after notice in writing by such contributory of such action, have paid, secured, or compounded for such debt or demand, or have otherwise procured such action to be stayed, or shall not have indemnified the defendant to his satisfaction against such action, and all costs, damages, and expenses to be incurred by him by reason of the same. Where action brought against a contributory, and company shall not have paid or satisfied same in ten days;
- 6th. If any creditor of a Company, whose debt shall amount to fifty pounds and upwards, shall have filed an affidavit with the Registrar of the Supreme Court that such debt is justly due to him from such Company, and shall have sued out the process of the said Court for the recovery thereof, and such Company shall not within three weeks after the service of notice thereof, have paid, secured, or compounded for such debt to the satisfac- Creditor for £50 filing affidavit of debt and suing out process against company not liquidated within three weeks.

Winding-up Law.

	tion of such creditor, or have made it appear, to the satisfaction of a Judge of the Supreme Court, that it is the intention of such Company to defend such action on the merits, and shall not, within three weeks after service of such notice, have caused appearance to be entered to such action.
Where company dissolved or ceased business, or voluntarily winding-up.	7th. If any Company shall have dissolved, or shall have ceased to carry on business, or shall be carrying on business only for the purpose of winding up its affairs, and the same shall not have been completely wound up.
Upon resolution to dissolve;	8th. Whenever the Company in general meeting has passed a special resolution requiring the Company to be wound up by the Court.
Or business suspended for a year;	9th. Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year.
Or shareholders reduced to less than seven;	10th. Whenever the shareholders are reduced in number to less than seven.
If three-fourths of capital lost or unavailable.	11th. Whenever three-fourths of the paid-up capital of the Company have been lost or become unavailable.
Designation of petitions.	6. Every petition and proceeding under this Law shall be entitled, "In the matter of the Winding-up Law of 1866," add in the matter of the Company to which such proceedings shall relate, describing such Company by its most usual style or firm.
Petitions to be advertised and served.	7. Every petition for winding-up the affairs of any Company under this Law shall be advertised for three consecutive weeks in the <i>Natal Government Gazette</i> , and shall be served at the head or only office upon any member, officer, or servant of the Company there; or, in case no such member, officer, or servant can be found, then by being left at such office; or, in case no office of the Company can be found, then upon any member, officer, or servant of the Company: Provided, that in case no office of the Company, nor any member, officer, or servant thereof can be found, the said Court may proceed to hear, and to make any order on any petition for winding-up, on production of the numbers of such <i>Gazette</i> containing such advertisement as aforesaid, and without proof that such notice has been served in manner aforesaid.
How served.	8. It shall be lawful for the said Court, at the hearing, to direct any such petition, whether the same shall have been served as aforesaid or not, to stand over; and to direct such service or such further service of the petition as to said Court shall seem meet.
Court may order petition to stand over.	9. On the hearing of such petition, it shall be lawful for the said Court, if it shall not think fit in the first instance to make any order to require any parties to show cause, within such time as the said Court shall think fit, why the Company should not be wound up under this Law, to make an order for the winding-up of such Company conditional on the non-fulfilment of such terms, and by such parties as the said Court shall think fit; or to refer it to the Master or any other officer or person to make preliminary enquiries as to the necessity or expediency of the winding-up of such Com-
Court may, on hearing, make a conditional order;	
Or refer to Master;	

Winding-up Law.

pany: and it shall be lawful for such Court, in case no sufficient cause be shown, or in case the terms of any such conditional order be not fulfilled, or in case it shall appear from the Master's report or the report of such other person upon such reference as aforesaid, that the winding-up of any such Company under this Law is necessary or expedient, to make such order absolute, as hereinafter mentioned.

Before making absolute.

10. It shall be lawful for the Court hearing the petition, if it shall think it practicable and expedient before making any order absolute, to direct the application or performance, either wholly or in part, and by such parties as it shall think proper, of any provisions contained in or supplied by the constitution of the Company towards the purposes of such winding-up, or towards considering or ascertaining the necessity or expediency of such winding-up.

Court may direct applications of conditions of contract.

11. It shall be lawful for said Court, on the hearing of any petition for winding-up, either originally or subsequently, or on further directions, to dismiss such petition, with or without costs; or to make an order for the winding-up of the Company under the provisions of this Law, with or without such special directions as it shall think fit to impose: and by such order it shall be competent to wind up the affairs of the Company accordingly under the provisions of this Law.

Court may dismiss petition, or make special order.

12. Every such order as last aforesaid made by the Court shall, within ten days after the date thereof, be advertised once in the *Government Gazette*, and shall be served in such manner and upon such persons as the Court shall direct.

Order to be advertised in *Gazette*, and served.

13. From the date of any order, as aforesaid, or from any date to be therein fixed for that purpose, the Company therein specified shall be absolutely interdicted and prevented from acting as a Company, and every director or manager shall cease to have or to perform any act, matter, or thing in relation to the affairs of such Company.

Company's business to be suspended thereon.

14. Upon any such order being made, the Court shall direct that an advertisement be inserted by the party presenting such petition in two successive numbers of the *Government Gazette*, and also in such other newspapers or in such other manner as the Court shall appoint, giving notice that the Court will proceed, at a day, hour, and place to be stated in such advertisement, such day to be within fourteen days of publication of first advertisement, to appoint an official manager or managers of the Company under this Law, either originally or in the room of any official manager who shall have died, resigned, or have been removed; and all persons being or claiming to be contributories or creditors of such Company shall be entitled to attend at such time and place, and to offer proposals and objections to any such appointment; and it shall be lawful for the Court if it shall think fit, to adjourn the appointment of any official manager to another time and place, to be stated and made known to the parties present at the time and place originally fixed for the making of such appointment.

Order to be further advertised in *Gazette* and newspaper.

With notification of intended appointment of official manager.

Proceedings at meetings so convened.

Adjournments.

15. At the time and place fixed in such advertisement, or at any adjournment thereof, the said Supreme Court shall appoint a person or persons to be the official manager or managers of the Company;

Court may appoint official manager, and remove him.

Winding-up Law.

and the said Court shall have power from time to time in its discretion to remove any such official manager or managers, and also upon the death or resignation of any such official manager or managers to appoint in manner aforesaid any other person to be official manager or managers in the stead of any such manager or managers who shall be removed, die, or resign his office.

Proposals of parties to be taken into consideration on appointment.

16. In making the first or any subsequent appointment of an official manager, it shall be lawful for the Court to adopt the proposal of any of the parties attending before it in the matter of such appointment; and in making such appointment, the proposal of any of the parties who shall have appeared shall not be on that account entitled to any preference; and the Court may, if it see fit, act independently of any proposal, and appoint any person it shall think fit as such official manager, although such person shall not have been proposed by any party.

Official manager to give security.

17. Every official manager shall, within such time as shall be fixed by the Court, together with two or more persons as his securities, to be approved of by the Court, enter into recognisances for the due performance of his duties, in such sum as the Court shall in each case direct.

Books of account, &c., to be delivered to official manager.

18. Upon the appointment of any official manager and managers as aforesaid, the Court shall by its order direct that all the books of account, deeds, securities, cash, bills, notes, papers, and other writings of and belonging to the Company, shall within a time to be limited in that behalf, be delivered up by every person in whose custody, possession, or power the same may be, to the official manager, and shall be kept by him, and upon, and immediately after the appointment of any new official manager, all the same matters shall be in like manner ordered to be, and shall accordingly be, delivered up to him.

Company's estate vested in official manager.

19. On every such appointment of official manager, all the estate, effects, and credits, and rights of action of the Company, shall, except so far as the Court shall direct to the contrary, become absolutely vested in the official manager so appointed; and such official manager shall be deemed as entitled to possess and possessing the like powers in all respects in regard to the winding-up of any Company's estate, as any trustee of an insolvent estate by law possesses under the provisions of the aforesaid Insolvent Ordinance.

Salary, &c., of official manager.

20. It shall be lawful for the Court to allow such salary or remuneration by way of percentage or otherwise as it shall think proper, to the official manager, and to increase or diminish such salary, from time to time, whether such official manager shall be a member of such Company or not.

Duties of official manager.

21. The official manager or managers shall proceed with all convenient speed in making up, continuing, completing, and rectifying the books of the Company, and in providing and keeping such other books as shall be necessary, for showing the debts and credits of the Company, including a ledger, which shall contain the separate accounts of the contributories (and in which every contributory or joint contributory shall be debited, from time to time, with the amount payable by him of any call to be made, as by this Law pro-

Winding-up Law.

vided), and in balancing all such books, and the accounts of the respective contributors, in getting in, selling, and converting the estate and assets, and winding-up the business and affairs of the Company, in paying the debts, and dividing and distributing the surplus assets amongst the parties entitled thereto.

22. It shall be lawful, in all cases after the appointment of an official manager, for the major part in value of the creditors at a public meeting thereof, convened by advertisement in the *Natal Government Gazette*, for any such purpose, at the instance of any of such creditors (such advertisement to be published at least ten days before such meeting) to appoint one or more inspector or inspectors on their behalf to act concurrently with any such official manager or managers, and which inspector or inspectors shall be entitled at all times to call for, and have access to, and inspect at the office of the official manager all the books, vouchers, securities, accounts, papers, and other documents relating to such estate, then in the possession or under the control of the official manager, and otherwise to watch the proceedings of the official manager in the conduct of the liquidation and winding-up of such Company's affairs: And it shall also be lawful for a majority in value of the contributories of any such Company, under the same circumstances and in the same manner in every respect as in this section above specified and set forth, to appoint one or more inspectors to act on their behalf; and such inspector or inspectors shall have and possess all and singular the like functions and powers, to all intents and purposes, as the other inspectors so appointed by the creditors: Any such inspector or inspectors shall be entitled at any time, should he or they deem it advisable for the interests of his or their constituents so to do, to make application to such Court as against the official manager, requiring any such official manager to do, or to abstain from, any act which such inspector or inspectors may, in the interests of his or their constituents think necessary or objectionable; and the Court shall thereupon make such order with reference thereto as it shall seem fit; and it shall be lawful for the said Supreme Court to appoint one or more contributories or creditors to attend, and watch the proceedings of the liquidation and winding-up of such Company.

Creditors may also appoint inspectors.

Contributories may appoint inspectors.

Duties of inspectors.

23. The official manager shall make lists of the members and contributories of such Company, containing the names, addresses, and the number of shares, or extent of interest to be attributed to each, and such list shall, as far as practicable, distinguish the several classes of such contributories, and in case any of the contributories, after the making of such lists, assign or dispose of any share, right, title, or interest of the Company, or the profits thereof, it shall be lawful for the official manager, upon the application of such contributory, or of the person in whose favour such assignment shall have been made, or of any other contributory, to introduce into the list of contributories the name of the person to whom any assignment shall have been so made: Provided, that no such assignment or disposal shall take place without the permission of the Supreme Court first had and obtained, or shall release or exonerate the party making the same, from any liability as a con-

Official manager to make lists of contributories, &c.

And of assignments of shares.

Assignment of shares not to free cessor.

Winding-up Law.

tributory, further or otherwise than he would be released or exonerated, if the affairs of the Company were not wound-up under this Law.

Contributory
may apply to
Court to have
other persons'
names placed on
list.

24. Any person whose name shall stand upon the list of contributories, upon application by motion to the Supreme Court, may call upon any other person whose name shall not be in such list, to show cause why his name should not be included in the same; and the said Court shall consider the alleged liability of the person so called upon, to be inserted in such list, and shall, thereupon, make such order as the justice of the case shall require.

Official manager
to prepare half-
yearly reports.

25. The official manager shall from time to time, half-yearly, prepare and, as he may deem best, lay before joint or separate meetings of the creditors and contributories, to be convened by him for that purpose, at the expiration of every six months, correct, full, and detailed reports and statements of all and every the debts, liabilities, engagements, and assets of every such Company, and of the general condition of every such Company's estate, and shall thereupon report to the Supreme Court all resolutions which any such creditors or contributories shall have passed thereat.

When dividends
to be paid;

26. The moneys and assets of the Company, or such of them as shall be got in and realised, or any part thereof, shall, with all convenient speed, be paid by the official manager, under the direction of the Court, in or towards the satisfaction of the debts, or any of the debts, of the Company, in such manner (whether by dividend or otherwise), as the Court shall direct: And in all cases, where not otherwise ordered by the Court, such official manager shall, from time to time, distribute and pay the same by dividends, to be by him declared, if the funds and assets of the Company will admit thereof, at the expiry of every three months, reckoned from the date of his appointment as such manager.

And distribu-
tions made.

Court may order
calls to be made
on contribu-
tories.

27. At any time before the whole of the assets of said Company shall have been collected or converted, and if the assets remaining to be collected or converted shall not be capable of being immediately realised, although such assets may not appear to be insufficient, and also after the assets of the Company shall have been wholly exhausted, the Supreme Court shall, from time to time, direct the official manager to make calls on the contributories, or on such individual contributories, or class of contributories, as the Court shall think proper, to the extent to which they are legally liable, as well for raising such amount as may be necessary to pay the debts or liabilities, or any of the debts or liabilities of such Company, or any part thereof, or the costs, charges, and expenses of the winding-up of the same, as also for the purpose of adjusting and settling the respective claims of contributors upon each other, or upon the Company, whether such claims shall have arisen since or before the date of the order for winding-up, and the amount to be raised by the means of such calls, and also the residue of the assets of the estate of the Company, after the payment of all debts and liabilities, costs, charges, and expenses, shall be paid and distributed by the official manager, under the directions of the Court, so and in such manner as shall, as far as possible, satisfy all such claims, and shall finally wind-up and settle the affairs of the Company.

Distribution
thereon.

Winding-up Law.

28. The filing of any such petition with the Registrar of the Court shall have the effect of suspending and staying all and every action and actions, or other proceedings at law, which may at the filing thereof be pending, or which may thereafter be instituted against such Company, or any of the contributories thereof, for or on account of any claim upon the Company, or upon any such contributory, except in so far as is in this section hereinafter provided for; and such suspensive effect shall continue until such petition shall be dismissed, or such suspensive effect be removed by the said Court; and pending the winding-up of such Company, no suit, action, or other legal proceeding shall be proceeded with, or commenced against the Company or the official manager thereof, or any member of the Company in respect of a debt of the Company, except with the leave of the Court, and subject to such terms as the Court may impose.

Suits pending against company to be stayed or suspended.

No action to be commenced except on leave of Court.

29. In all actions by or against any such Company, in respect of any matter, or thing, or debt, due to or by the said Company before the order for winding-up the affairs of the same, or recurring thereafter, the Company may sue or be sued in the name of the official manager.

Proceedings, &c., to be in name of official manager.

30. No suit, or action, or other proceeding, shall abate by reason of the death, removal, or other incapacity of the said official manager.

Action not to abate through death.

31. So soon as an order absolute for winding-up the affairs of any Company shall be made, the property of every description belonging to such Company shall vest in the Master of the Supreme Court, until the appointment of an official manager or managers, as hereinbefore provided.

Property to vest in Master until official manager appointed.

32. The Supreme Court may, at any time, appoint any officer or person to examine and report upon the state of the accounts and other proceedings under the control of the official manager, and also as to the disposal by him of any funds or other assets belonging to such Company.

Court may appoint special officer to report upon estate, &c.

33. The official manager may endorse any bill or note made payable to the said Company, or any officer thereof, and such endorsement shall be deemed a sufficient negotiation of such bill or note, if made payable to order.

Official manager may endorse bills and notes;

34. The said official manager may also pass and execute any cession of any debt due to the Company, or give cession of action on the part of the Company in respect of any debt or claim due to it.

And execute cessions;

35. The said official manager may also pass and execute any deed of transfer or other deeds relating to immoveable property, which, but for the order for winding-up the affairs of such Company, the Company could lawfully have passed or executed.

And execute deeds.

36. The official manager shall not, as regards the endorsement of any such bill or note, or the passing of any such cession, transfer, or other deeds as aforesaid, be deemed personally liable for the same: Provided always, that where such official manager shall be shown not to have acted *bond fide* in so endorsing such bill or note,

Official manager not to be personally liable for endorsements, &c., unless in bad faith.

Winding-up Law.

Official manager may, on approval of Court, sell immovable property;

May employ clerks, &c.

Attorneys.

Creditor or contributory may call upon official manager to answer complaints.

Upon contributories agreeing to pay all liabilities, Court may cancel appointment of official manager, and release company's estate.

Shareholders then withdrawing to be compensated for their shares; Arbitration, if disagreed.

Official manager to satisfy claims within eighteen months, and make calls on shareholders every four months.

or so passing or executing such cession; transfer, or other deed, he shall be held personally liable for any loss or damage which may be thereby occasioned to the said Company, or any creditor or creditors, or any shareholder or shareholders, of the same.

37. The said official manager may, subject to the approval of the Court, sell any of the immovable property belonging to any such Company, subject to such conditions and stipulations as the Court may, in each case, direct to be imposed.

38. The official manager may retain, or employ such or so many persons as clerks or book-keepers, as the Supreme Court may consider essential for the due and proper conduct of the affairs of any such Company, and such persons shall be paid in such manner, and at such rates, and from such funds, as the Supreme Court shall direct or appoint, and he shall also be at liberty to appoint and employ an attorney or attorneys in and about the Company's affairs.

39. Any creditor, or any shareholder, or contributor of such Company, may at any time, by motion to the Supreme Court, call upon the official manager to show cause with reference to any matter affecting the administration for winding-up of the affairs of such Company, whereby the interests of such applicant, or the creditors, or shareholders generally, may be affected, and the said Supreme Court may thereupon make such order in the premises, as to it shall seem just.

40. Whenever any one or more of the contributories, or persons liable to contribute towards the liquidation of the liabilities of any such Company, shall agree to pay the debts and liabilities of the same, and shall show to the satisfaction of the Supreme Court that they are able and in a position to pay such debts and liabilities, it shall be lawful for the said Court to cancel the appointment of such official manager, and thereupon it shall be competent for the shareholders of such Company to continue the same free of the operation of the provisions of this Law, but subject to any actions or proceedings then pending in the Supreme Court with reference to the claims or liabilities of any contributories, creditors, or other persons: Provided always, that such release from the operation of this Law shall not make void any act or deed sanctioned by the said Court or lawfully done by the said official manager previously thereto; and that any shareholder, who shall be unwilling to continue in such Company, may then withdraw from the same.

41. In the event of any shareholder so withdrawing, he shall be entitled to receive from the Company reasonable compensation for all his shares in the Company, calculated upon the then marketable value of such shares; and in case of any difference arising as to such value, the same shall be ascertained and declared by reference to arbitration, in usual course thereon.

42. The official manager shall be bound to satisfy and liquidate all claims upon such Company within eighteen months from the date of his appointment; and in order the better to effect such object, the official manager shall, at latest within four months after his appointment, make rateable calls on the shareholders and contributories of the Company, proportionate to the then ascertained

Winding-up Law.

liabilities of such shareholders and contributories in respect to the debts of such Company; and from time to time every four months thereafter, in like rateable proportion, make further calls on such shareholders and contributories, until the whole claims on the Company are liquidated and satisfied: Provided always, that upon cause shown to the Supreme Court, the said period may be extended for such further reasonable time as creditors representing two-thirds in value of the liabilities of the Company may agree to: Provided further, that in the case of a limited liability Company such claims shall only be satisfied so far as the funds legally available under the provisions of this Law will allow and admit of.

Court may extend time for winding-up.

Exemption of limited companies.

43. In every case in which any such Company shall be the executors testamentary, tutors, or curators of the person or property of any person, or the trustee of any insolvent estate, the official manager shall act in the said capacities, or any of them, and shall continue to administer such property as shall be found in the possession of such Company, and to recover any sums due to such persons or estate.

Official manager to act for any company: appointed executors, &c.

44. The term "contributory" and "contributories" and "shareholders" shall include and be deemed to apply to every person and every company or firm of persons holding shares, or liable as a shareholder or conjoint shareholders to meet the liabilities or any of the liabilities of such Company, and shall also in all proceedings for determining the persons who are to be deemed shareholders or contributories, and in all proceedings prior to the final determination of that question, include any person or persons deemed or alleged to be a contributory or contributories, or shareholders.

Definition of terms, "Contributory" and "Shareholder."

45. The Supreme Court is hereby empowered to make all orders, rules, and regulations that it may deem requisite and necessary with reference to any proofs of claims and debts under this Law, and to the production of any documents, and to the examination of any witnesses, and as to the trial or settlement of disputes thereon or otherwise relating to the provisions of this Law; and until such rules are made and published, and also in the absence of any direct rule in any particular case, the general practice of the Supreme Court, including the practice in insolvency, shall, so far as applicable, and not inconsistent with this Law, apply to all proceedings for winding-up.

Supreme Court to make rules.

Pending rules made, practice applicable to insolvent estates to prevail.

46. All questions which may arise in carrying out the provisions of this Law as to the winding-up of Companies, and not specially provided for herein, shall be regulated as near as may be, and circumstances will admit of, by the provisions contained in the fourth part of "The Companies' Act, 1862," passed by the Imperial Parliament of Great Britain and Ireland, entitled, "An Act for the Incorporation, Registration, and Winding-up of Trading Companies and other Associations." And it shall be lawful for the Supreme Court on any petition or other proceeding that may be brought before the said Court under this Law, to apply the principles and modes of procedure therein contained if it should be considered desirable by the said Court to any particular case before the said Court so far as the same shall be applicable and not repugnant to the provisions of this Law.

Imperial statute (Companies' Act, 1862) to be applied to the administration of this Law.

Winding-up Law.—Tacit Hypothecation Amendment Law.

Short title.
Commencement
of Law.

47. This Law may be cited for all purposes as the "Winding-up Law of 1866," and shall take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 12th day of December, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 20, 1866.

(Signed) JOHN J. BISSET.

Law to abolish and amend the Law relating to Tacit and other Hypothecations arising from Implication of Law on Immoveable Property.

Preamble.

WHEREAS, the various tacit and other hypothecations which exist or are supposed to subsist by implication of law in this Colony upon or with respect to immoveable property are prejudicial to the free commerce of such property, by creating doubts as to the validity of titles by conveyance, and it is therefore expedient to alter and amend the law in such respect:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

All tacit and other hypothecations abolished except as herein-after provided for.

1. From and after the date at which this Law shall take effect, all and singular the tacit and other hypothecations arising or competent by implication of law of this Colony shall be and the same are hereby abolished, excepting in so far as hereinafter expressly provided.

The following not abolished, viz.:

2. This Law shall not abolish or alter or affect any of the following tacit or other hypothecations arising or competent by implication of law, excepting in so far as may be herein expressly mentioned as rendering them so liable, and subject to the limitations herein-after specially set forth:

Landlord's hypothecation;
but restricted to one year's rent, and to the particular lands on which rent due.

(a) The hypothecation competent to or claimable by landlords, or persons letting to hire of immoveable property in this Colony: but so that the same shall not subsist or be competent or claimable for any larger sum than for one whole year's rent or hire of the premises in regard to which such hypothecation shall be claimed; and the same shall also only subsist and be claimable upon the particular property in respect of which such rent may be due.

Tacit Hypothecation Amendment Law.

- (b) The hypothecation subsisting and competent to or claimable by the Government of this Colony for the arrears of any tax, fine, or other periodical payment issuing out of immoveable property: but it is hereby declared that the same shall not subsist or be competent or claimable upon any other immoveable property of the person so indebted, but only over the particular immoveable property out of or in respect of which the same is payable or issues; or otherwise, upon or in respect of any moveable property or effects then situate or being upon the said fixed property.
- (c) The hypothecation competent to minor children upon the estate of either of their parents upon or after the death of either of them, or upon the estate of their stepfather or stepmother, in security of any property of such minors in the hands of and not duly accounted for by their surviving parent or stepfather or stepmother: Provided, that such hypothecation shall not be competent or claimable after the lapse of two years, reckoned from the day at which the respective minors shall have attained their respective majority, and then only on the actual trust estate.
- (d) The hypothecation competent to insane persons and interdicted prodigals upon the estate of their curators in security of any property of such persons in the hands of and not duly accounted for by such curators: Provided such hypothecation shall not be competent or claimable after the lapse of two years, reckoned from the day at which such respective persons shall have been freed from their curatory, and then only on the actual trust estate.

Government hypothecs for arrears of payments issuing out of land; restricted to the particular land: the restriction not to affect moveables.

Minors' hypothecs on estate of surviving parents and others;

restricted to two years after majority, and to the particular estate.

The hypothecation competent to insane persons and interdicted prodigals; restricted to two years after freedom from curatory, and then to the particular estate.

3. It shall be incumbent on all executors dative, guardians, curators, and tutors of any minor, insane person, or interdicted prodigal acting under any appointment other than by or in virtue of any last will or other testamentary disposition or special deed of appointment or trust, immediately upon their being so appointed, to enter into a bond in such sum as shall appear fitting to the Master of the Supreme Court for the faithful administration of their respective offices.

Executors dative, guardians, and others appointed otherwise than by will or deed to give bond for due administration.

4. Whenever any immoveable property belonging to any minor or insane or interdicted person shall be sold by any such guardian or curator of such minor or insane or interdicted person in virtue of an order of the Supreme Court, and where any such property belonging to or claimable by any minor or insane or interdicted person shall have been sold by any testamentary executor or trustee in virtue of any special power in that behalf so enabling them, or by any testamentary or other deed, and the purchase price thereof shall have been paid to any such guardian, curator, executor, or trustee, or other person legally entitled to receive the same for the behalf of such minor or insane or interdicted person, and such immoveable property shall have been duly and legally transferred to the pur-

Sale of estates of minors, insane persons, and prodigals not subject to rescission on ground that price not duly expended or invested;

Tacit Hypothecation Amendment Law.

Except in cases
of fraud or
collusion.

Persons entitled
to hypothecs
dying, their
representatives
entitled for two
years after death.

Preferential
rights of Govern-
ment under
special laws not
affected hereby.

Not to confer
any hypothecary
rights not com-
petent independ-
ent of it, nor to
affect debts con-
current.

Not to affect
subsisting hypo-
thecations, if
claimed within
two years.

Short title.

Commencement
of Law.

chaser thereof without collusion thereon, such sale and transfer shall be valid and effectual as against all persons; and shall not be subject to rescission on the ground that the purchase price of such immovable property shall not have been expended beneficially, or properly invested for the benefit of such minor or insane or interdicted person: Provided, nevertheless, if it shall in any case be proved that any fraud or collusion existed between any such guardian, curator, executor, or trustee so selling and the person purchasing any such property, and such property shall not have been resold to another person also purchasing the same in good faith, nothing herein contained shall be held to deprive such minor or insane or interdicted person, or his heirs, of his right to rescind such sale and transfer on the ground of minority and lesion or otherwise, or of suing such first purchaser, or his heirs, executors, or administrators, for damages, where such property shall have been resold to a third party purchasing the same in good faith.

5. If any person entitled to any such hypothecation as aforesaid shall die at any time before any such hypothecation shall, under the provisions of this Law, have expired, the heirs or executors of such person shall possess such hypothecation for the period of two years from the time that the person so dying would, if living, have possessed it.

6. Nothing in this Law contained shall be held to abolish or diminish any preferential right conferred upon the Government of this Colony by any Ordinance or Law now or which may hereafter be in force in this Colony.

7. Nothing in this Law contained shall be construed so as to give to any person whomsoever any greater or other hypothecation than he would by Law have possessed in case this Law had not been passed, nor to impair or affect the validity of any debt considered as a concurrent debt which may be due to any person who shall by virtue of this Law have ceased to possess a tacit or other hypothecation by implication of law in security for such debt.

8. Nothing in this Law contained shall extend to or affect any right of hypothecation in security of any debt or claim already at the time of the taking effect of this Law due by any person or estate which shall be demanded within two years next after the taking effect of this Law from any person or estate; which right shall be judged of in all respects as if this Law had not been passed.

9. This Law may be cited for all purposes as the "Tacit Hypothecation Amendment Law, 1866," and shall take effect from the promulgation thereof in the *Government Gazette*.

Given at Government House, this 12th day of December, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Pietermaritzburg Corporation.

LAW No. 21, 1866.

*Law to amend the Ordinance No. 2, 1846, entitled, "Ordinance
"for creating a Deeds' Registry Office for the District of
"Natal."*

Repealed by Law No. 16, 1875, § 1.

LAW No. 22, 1866.

*Law to alter and amend Ordinance No. 6, 1852, entitled, an
"Ordinance to amend and consolidate the Law relative to the
"Constitution and Formation of Juries."*

Repealed by Law No. 10, 1871, § 2.

LAW No. 23, 1866.

*Law to amend the Law No. 31, 1865, entitled, "Law to amend
"the Law as to the Distillation of Spirituous Liquors,"*

Repealed by Law No. 14, 1868, § 1.

PRIVATE LAW.

(Signed) JOHN J. BISSET.

*Law to remedy certain Evils and Inconveniences arising from the
Confusion of the Boundaries of various Blocks, Lots, Erven,
or other Subdivisions of Lands, and of the Streets and
Public Ways within the City or Borough of Pietermaritzburg;
and to sanction and legalise the Re-survey and General Plan
of such City, and certain defined Beacons; and for granting
Powers to adjudicate and settle Disputes and Differences
thereon, and in regard to Trespasses by Encroachment on such
Lands, Streets, and Public Ways.*

WHEREAS, much confusion and uncertainty have arisen with
reference to the true boundaries and extents of various of the blocks,

Preamble.

Pietermaritzburg Corporation.

Recites uncertainty which exists in boundaries of erven ;

lots, or erven and other plots of lands, or subdivisions thereof, within the limits of the Town or City and Borough of Pietermaritzburg in consequence of erroneous or conflicting surveys of the same, and from the absence of duly marked and legally appointed beacons, and from various encroachments on some of the streets, roads, and public ways, and on the blocks, lots, erven or other subdivisions thereof, and it hath therefore become necessary to provide measures for remedying the same :

That a general re-survey of city has been made ;

And whereas, with a view to such object, the Council of the Corporation of the said City have recently caused a general re-survey of the blocks or plots of land and streets or other public ways of the said City or Borough to be made by Government Surveyor George Pigot Moodie, assisted by Government Surveyor Alexander Mair, in order the better to fix the true sites of blocks, and the proper beacons and true boundaries of the said blocks and divisions of the land of the said City, and on the completion of such re-survey, to cause certain recognised beacons to be fixed or denoted accordingly :

And a general plan framed, with beacons denoted thereon ;

And whereas the said Council thereupon caused to be prepared a general plan of the said city, said plan having marked thereon the various beacons so fixed or denoted, namely, one at the western corner of the erf No. 2, Longmarket Street, one at the northern corner of the erf No. 25, Longmarket Street, and one at the northern corner of the erf No. 56, Longmarket Street, and of the said blocks or divisions of land and of the streets or other public ways thereof, which plan is filed in the office of the Town Clerk of the said city, and a copy whereof is also filed in the office of the Surveyor General of Natal, signed by the said Government Surveyor George Pigot Moodie, and it is desirable that such plan should, for the purposes aforesaid, be established as the recognised general plan of the said city :

And whereas, from such above referred to causes, various blocks, lots, or erven, and other existing divisions of said lands, have been found, on such re-survey, to be incorrect and erroneous, and, in many instances, to exceed the extent of land specified in the diagrams and titles thereof, and in other instances, the assumed boundaries of such blocks or divisions are found to overlap each other, or encroach on the streets or public ways of the said city :

The expediency of conferring upon the Council and others a jurisdiction in cases of disputed boundaries, &c.

And whereas much injury and inconvenience have been occasioned, and probable litigation is likely to arise if these excesses of extent or area and irregularities or defects, and such uncertainty of boundaries and other evils are not satisfactorily and summarily dealt with and remedied, and it hath therefore become expedient to confer upon the said Council, assisted by other qualified assessors or other legally constituted authorities, certain powers and jurisdiction for the arbitration and adjudication of, and for the purpose of determining and settling all questions respecting any such boundaries of the said streets or other public ways, and blocks and other divisions aforesaid, and to provide, if occasion shall arise, for the awarding a fair compensation in regard thereto :

Pietermaritzburg Corporation.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That the general plan of the said City of Pietermaritzburg, now filed in the Town Clerk's office, and Surveyor General's office, and signed by the said Surveyor, George Pigot Moodie, shall be, and the same is hereby declared to be, the recognised and established general plan of such city, and the various beacons already fixed, and situate as described in the preamble of this Bill, and any such as shall hereafter be fixed in accordance therewith, and laid down and denoted on such plan as the legal beacons, shall be, and the same are hereby declared to be, the true and permanent test beacons of the said city or borough, and shall be used and regarded as such in all future surveys and apportionments and allotments of the several blocks, lots, and subdivisions of such city or borough lands, and for defining the true and precise boundaries of such streets, public ways, and of the said blocks, lots, or other divisions aforesaid.

The general plan and beacons declared to be the established plan and beacons of the city.

2. The said blocks, lots, erven, and other divisions of said land, as so marked and denoted on the said plan, and so ascertained by such re-survey, shall be deemed to be the correct and true sites of the blocks, plots, lots, and other subdivisions of the said city or borough lands.

The blocks, erven, &c., on plan declared to be correct.

3. The Corporate Council shall cause, within three months from and after the passing of this Law, permanent and well marked beacons agreeing with those hereinbefore named, to be fixed and laid down at each of the four corners of the several blocks of erven within the said borough, and shall at all times keep the same in good and sufficient repair to the satisfaction of the Surveyor General of the Colony.

Council to cause other like beacons to be laid down within three months.

4. It shall be the duty of the Council in every year, so soon after each yearly election of Councillors as may be conveniently possible, to select, nominate, and appoint out of and from their own members for the time being, two of such Councillors, who, together with the Mayor of such city or borough, and with other three assessors hereinafter provided to be appointed to act with such Mayor and selected Councillors, four of whom shall form a quorum, shall be and constitute a tribunal or court of assessors, of which the Mayor shall be chairman, and shall have a casting vote only, for the equitable adjustment, determination, and decision of all disputes and differences between the proprietors and owners and purchasers and lessees of any such blocks, lots, erven, or other subdivisions of the said lands in regard to the true and proper boundaries, extent, or area thereof; such tribunal or court to be called "The Court of Assessors of disputed lands or boundaries within the City or Borough of Pietermaritzburg." And it shall be competent for His Excellency the Lieutenant Governor, from time to time, and at any time, to appoint such three persons as he may deem best qualified to act as assessors with the said Councillors upon such tribunal in the adjudication of all suits, matters, or things, as by this Law specified; and also at any time, as occasion may in his

Two members of Council to be elected by Council annually as assessors, and conjoined with the Mayor.

These to constitute a court;

With three other additional assessors to be appointed by the Governor.

Pietermaritzburg Corporation.

judgment require, to constitute or appoint any other like assessors in the stead or place of any already appointed by him as aforesaid.

Such court to be convened by the Mayor when required, and its powers.

Party wishing dispute adjusted must give a month's notice in writing.

The decisions of the court to be based upon the said plan and beacons.

Court to frame rules for conduct of proceedings.

These rules to be sanctioned by the Governor.

Evidence to be taken in writing, in accordance with law of evidence in Colony.

Where buildings erroneously erected, court may adjudge portions of land upon compensation.

5. Such tribunal or court shall be convened by the Mayor, and shall have its sittings from time to time, as may be deemed fitting or requisite, and such court shall be empowered at its various sittings to entertain and arbitrate upon and adjudicate and decide upon all disputes and differences relating to the matters aforesaid that may be submitted to it for decision, provided any of the parties having or claiming title to any such land, or the boundaries thereof, shall have, not less than one month previously to the holding of any such tribunal or court, signified in writing, under their signature, or by the signature of their duly appointed agent, their desire that any such dispute or difference shall be submitted to it for decision or adjustment, whether as relates to the boundaries or extent or area of such lands, or for the assessment of value, compensation, or rental, in regard thereto.

6. The several decisions, adjustments, and determinations of such tribunal or court in regard to the matters aforesaid shall be based upon and made in accordance with the said re-survey and general plan of the said city herein above referred to, and with the beacons so fixed or so laid down or denoted as aforesaid.

7. The said court or tribunal are hereby empowered to frame and make all such rules and regulations as may be necessary for the institution and conduct of all proceedings before it, as well in respect to the forms of process to be issued by its authority, as to the determination of all fines or penalties to be incurred through any non-compliance therewith, and manner of levying the same, and all other matters and things connected with such proceedings; subject, however, to all such rules and regulations being first sanctioned by the Lieutenant Governor, and published in the *Government Gazette* of this Colony.

8. All evidence before the court shall be taken in writing, and all witnesses and holders of documents shall be examined upon oath to be administered by the chairman of such court, and subject to the pains of perjury as in other cases of trial or adjudication, and in accordance with the law or rules of evidence existing or established in this Colony.

9. The said court of assessors shall in all cases on which it adjudicates have power, in cases where buildings, not including overhangings of roofs, are already erroneously or wrongfully erected according to the present re-survey on others' lands or otherwise, to adjudge portions of any adjoining lots or subdivisions thereof to any other adjoining lots or subdivisions, or to the proprietor thereof, either permanently as in freehold, upon payment by the owner or owners of such buildings so erroneously or wrongfully or otherwise erected of an ascertained and just value for the extent of land whereon said buildings are erected, or as by way of demise for a limited term or term of years at a fair annual rental, to be there-

Pietermaritzburg Corporation.

upon in each case by the aforesaid court fixed and determined. And thereupon either of the said parties may apply summarily to the Supreme Court of the Colony for confirmation by a sentence or decree of any and every such decision and award, and to decree the performance thereof accordingly.

Award of court of assessors to be confirmed by sentence of Supreme Court.

10. Upon the making by the Supreme Court of any such decree, the Town Council of the Borough of Pietermaritzburg shall cause said adjudged parcel of land to be laid off on the general plan of the said borough authorised by this Law, in the office of the Surveyor General and in the Town Clerk's office.

Lands so adjudged to be laid off on general plan.

11. In any case in which the Supreme Court shall, upon cause shown, not see fit to confirm the award or decision of said court of assessors, then the case shall be thereupon remitted to said court for its reconsideration and amendment, or for such other order therein as the circumstances of the case may warrant.

Supreme Court may remit cases back to assessors' court.

12. In all cases where the owner of any next adjoining lot or division so to be dealt with by the said tribunal shall be absent from the Colony or otherwise not duly represented therein, it shall be necessary for the said tribunal before proceeding to any adjudication as aforesaid, to give notice in the *Government Gazette* once a month for a period of six calendar months then next preceding; and in all other cases to cause notice to be so published for a period of one month previous to the said tribunal entering on any of the matters aforesaid; and its decisions thereupon so given shall be final and conclusive on all parties.

Procedure where owner of land absent from Colony.

13. In all cases of encroachment of buildings on the streets or public ways of the said city or borough by projections on the true lines thereof, not dealt with by the Corporate Council under the provisions of section No. 58 of the Corporate Law No. 21, 1862, it shall be competent for the said Council to have the same dealt with and adjudicated under this Law as and when the said Council may think fit, upon due notice, in accordance with the provisions of the preceding clause, of any such intent given to the owner or claimant or proprietor thereof.

Court of assessors may adjudicate on cases of encroachment on streets.

14. No suit or action at law shall lie or be maintainable in any Court of this Colony by any owner or lessee of any lot or erf or subdivision thereof on the ground of alleged trespass thereon, by building, digging, planting, or the like, by any owner or lessee of any adjoining lot, erf, or subdivision until such first mentioned owner or lessee shall have first referred the matter in dispute to the said tribunal; and such tribunal shall thereupon have decided as provided by this Law.

No action competent in cases of trespass by building, &c., unless complainant shall first apply to court of assessors.

15. Whenever through alleged overlapping or trespass of adjoining lots or subdivisions of land difference may arise between the owners thereof in respect thereto, and such owners shall express their intention and desire in writing to the Mayor of said Borough to settle and arrange such differences between themselves without recourse to the other provisions of this Law, then the Mayor shall cause the Town Surveyor to point out to the said owners the several

Mayor of borough may settle disputes by consent of parties;

Based on such plan and beacons;

Pietermaritzburg Corporation.

And alterations
to be marked of.

boundaries of their properties in accordance with the re-survey authorised under this Law, free of charge; and shall also cause any alteration or change in the area thereof to be marked off on the general plans as provided for in clause No. 10 of this Law.

Mayor to include
Acting Mayor.

16. For the purposes of this Law, the term "Mayor" shall include Acting Mayor.

To be a public
Law; and com-
mencement
thereof.

17. This Law shall be deemed to be a Public Law; and shall have effect from and after the date of promulgation thereof in the *Government Gazette*.

Given at Government House, this 3rd day of August,
1866.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,

Colonial Secretary.

PRIVATE LAW.

Law to authorise and empower the Town Council of the Borough of Durban, for a Period of Seven Years, to levy and collect a Toll upon all Persons using the Berea Road with Horses, Mules, Oxen, or other Animals, whether ridden or drawing any Carriage, Cart, Wagon, or other Vehicle; and also upon all Person or Persons using or propelling or driving on the said Road any Stegm-carriage, Engine, or Vehicle, or drawing or propelling by other than Animal Power any Cart, Truck, or other Vehicle of any description; and to invest the said Town Council with all necessary Powers and Authorities for the above purpose; with a Proviso that, on Payment by the Government of the Colony of Natal of Ten Thousand Pounds to the said Town Council, such Power and Authority for the Levy and Collection of such Toll shall cease and determine, and be utterly null and void.

Repealed by Law No. 18, 1872, § 1.

Commercial and Agricultural Bank.

PRIVATE LAW.

(Signed) JOHN J. BISSET.

Law to enable the Directors and Shareholders of the Commercial and Agricultural Bank of Natal, incorporated by Law of Session 1862, to amalgamate with any other Bank or Banking Company, Banks or Banking Companies, carrying on business in Natal or elsewhere, or to dispose of their Banking Business to any such Company, Bank or Banks.

WHEREAS, the Shareholders and Directors of the Commercial and Agricultural Bank of Natal, incorporated by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council thereof, on the 13th day of August, 1862, may deem it expedient to amalgamate with any other Banking Company, Bank or Banks, in Natal or elsewhere, or to dispose of their Banking business to any such Company, Bank or Banks, and the Directors are desirous of obtaining all such necessary powers and authority as would enable them to amalgamate, or dispose of their business :

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

1. It shall and may be lawful for the Directors of the said Commercial and Agricultural Bank of Natal, to arrange with any person or Company, or with the Directors of any Company or Companies, Banking Company or Companies, Bank or Banks, for an amalgamation of the said Commercial and Agricultural Bank, with, or the disposal of the said Commercial and Agricultural Bank, or any branch thereof, to such person, Company or Companies, Banking Company or Companies, Bank or Banks ; and further, subject to the vote of the shareholders, as hereinafter provided, to arrange for the carrying on of the said business under the Charter of Incorporation of such Bank or Banks, Banking Company or Companies, or under the Charter of Incorporation of the said Commercial and Agricultural Bank of Natal, as shall or may be determined on by the Directors of the said Commercial and Agricultural Bank of Natal, and such amalgamating Company or Companies, Bank or Banks.

Directors may arrange for amalgamation or disposal of bank or any branch ;

And for future carrying-on of business.

2. Provided always, that no such arrangement shall be final until the consent of the shareholders shall have been obtained at a general meeting of shareholders, to be called as follows :—Public notice of the general meeting, stating the time when, the place at, and general objects for which it is to be held, shall be given in the *Government Gazette*, and one or more local papers, at least five months before such meeting, and shall be published therein at least six times prior to such meeting ; and written notice of the general meeting stating the time when, the place at, and general objects for which it is to be held, shall be also sent by post or otherwise, to every shareholder at his last known residence, at least five months prior thereto ; And if at such general meeting two-thirds of the

Any such arrangement shall require consent of shareholders, How meeting of shareholders to determine thereon to be convened.

Commercial and Agricultural Bank.—Natal Bank.

Two-thirds of shareholders must agree, and shall bind the rest.

Dissenting shareholders may, before meeting, give written notice of dissent. Shares of dissentients may be purchased, and dissentients indemnified.

Provision for appointment of arbitrators or umpire to settle value.

To be a public Law; and commencement thereof.

shareholders present, personally or by proxy, shall agree to such proposed amalgamation, sale, or disposal, and if shareholders registered in possession of at least one-fifth of the subscribed capital shall not have recorded their dissent from such proposed amalgamation, sale, or disposal, as hereinafter provided, then such resolution shall be as binding on the rest of the shareholders, to all intents and purposes, as though they had been present and consenting thereto. And all voting shall take place as provided by the Law incorporating the Bank.

3. Provided always, that it shall and may be lawful for any shareholder to give notice, in writing, to the Board of Directors, at or before such meeting aforesaid, and no later, of his dissent from such proposed amalgamation, sale, or disposal; and the assenting shareholders shall, if required, indemnify such dissenting shareholder against all his liabilities to the Bank as a shareholder, and also purchase his shares at such amount as shall be determined by arbitration, in the manner set forth in the sixty-first section of the Trust Deed of this Company, and on the basis of the value thereof immediately previous to such general meeting; and such award shall be conclusive and final upon each and every shareholder: Provided always, that no such indemnification shall be claimed, unless such amalgamation, sale, or disposal shall be actually accomplished.

4. This Law shall be taken to be a Public Law, and shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

(Signed) JOHN J. BISSET.

Law to enable the Directors and Shareholders of the Natal Bank, incorporated by Law of Session, 1859, to amalgamate with any other Bank or Banking Company, Banks or Banking Companies, carrying on business in Natal or elsewhere, or to dispose of their Banking Business to any such Company, Bank or Banks.

Preamble.

WHEREAS the Directors and Shareholders of the Natal Bank, incorporated by the Lieutenant Governor of the Colony of Natal, by and with the advice and consent of the Legislative Council

Natal Bank.

thereof, on the 21st day of June, 1859, may deem it expedient to amalgamate with any other Banking Company, Bank or Banks, in Natal or elsewhere, or to dispose of their Banking Business to any such Company, Bank or Banks, and the Directors are desirous of obtaining all such necessary powers and authority as will enable them to amalgamate, or dispose of their business :

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

1. It shall and may be lawful for the Directors of the said Natal Bank to arrange with any person or Company, or with the Directors of any Company or Companies, Banking Company or Companies, Bank or Banks, for an amalgamation of the said Natal Bank with, or the disposal of the said Natal Bank, or any branch thereof, to such person, Company or Companies, Bank or Banks, and for the carrying on of the said business under the Charter of Incorporation of such Bank or Banks, Banking Company or Companies, or under the Charter of Incorporation of the said Natal Bank, as shall or may be determined on by the Directors of the said Natal Bank and such amalgamating Company or Companies, Bank or Banks.

Directors may arrange for amalgamation or disposal of bank or any branch ;

And for future carrying-on of business.

2. Provided always, that no such arrangement shall be final until the consent of the shareholders shall have been obtained at a general meeting of shareholders, to be called as follows :—Public notice of the general meeting, stating the time when, the place at, and general objects for which it is to be held, shall be given in the *Government Gazette*, and one or more local papers, at least five months before such meeting, and shall be published therein at least six times prior to such meeting ; and written notice of the general meeting stating the time when, the place at, and general objects for which it is to be held, shall be also sent by post or otherwise, to every shareholder at his last known residence, at least five months prior thereto : And if at such general meeting two-thirds of the shareholders present, personally or by proxy, shall agree to such proposed amalgamation, sale, or disposal, and if shareholders registered in possession of at least one-fifth of the subscribed capital shall not have given notice in writing to the Board of Directors at or before such meeting aforesaid, and no later, of their dissent from such proposed amalgamation, sale, or disposal, as hereinafter provided, then such resolution shall be as binding on the rest of the shareholders, to all intents and purposes, as though they had been present and consenting thereto : and all voting shall take place as provided by the Law incorporating the Bank.

Any such arrangement shall require consent of shareholders, How meeting of shareholders to determine thereon to be convened.

Two-thirds of shareholders must agree, and shall bind the rest.

3. Provided also, that it shall be lawful for any shareholder to give notice, in writing, to the Board of Directors, at or before such meeting and no later, of his dissent to such proposed amalgamation, sale, or disposal ; and the assenting shareholders shall, if required, indemnify such dissenting shareholder or shareholders against his or their liabilities in respect to the said Bank as a shareholder or shareholders, and also purchase the shares of such dissenting shareholders at such amount in respect of every share as shall be determined by arbitration, in the following manner,

Dissenting shareholders may, before meeting, give written notice of dissent. Shares of dissentients may be purchased, and dissentients indemnified.

Natal Bank.—Pietermaritzburg Corporation.

Provision for
appointment of
arbitrators or
umpire to settle
value.

that is to say:—Two arbitrators shall be chosen, one by each party; these arbitrators shall proceed to arbitrate upon the matter in question; and if such arbitrators shall be unable to come to an agreement, then they shall choose an umpire, whose decision shall be final and conclusive on both parties: Provided always, that no such indemnification shall be claimed, unless such amalgamation, sale, or disposal shall be actually accomplished.

To be a public
Law; and com-
mencement
thereof.

4. This Law shall be taken to be a Public Law, and shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Given at Government House, this 3rd day of August,
1866.

By command of His Excellency the Administrator of the
Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

PRIVATE LAW.

(Signed) JOHN J. BISSET.

Law to amend and extend the powers of the Law enacted in the year 1864, entitled, "Law to empower the Corporate Council of the Borough of Pietermaritzburg to raise, by Loan or otherwise, in this Colony or elsewhere, Moneys not exceeding the Sum of Fifty Thousand Pounds."

Preamble.
Recites Law of
1864 empowering
Council to
borrow £50,000.

WHEREAS, by the above-mentioned Law, the Corporate Council of the Borough of Pietermaritzburg are authorised and empowered, for the several purposes therein specified, to raise upon debentures, or other instruments or securities, sums of money not exceeding in the whole Fifty Thousand Pounds, at a rate of interest not exceeding nine pounds per centum per annum, chargeable preferentially, as well in respect of all principal moneys as of the interest thereon, upon the Town Lands and general revenue of the Corporation of the said Borough of Pietermaritzburg; such sums to be repaid within forty years, and with interest as therein mentioned in the meantime:

Pietermaritzburg Corporation.

And whereas it is deemed advisable and expedient, in order the better to provide for the repayment of all and singular the said moneys within such period, and for the liquidation of the interest thereon in the meantime, and for the purpose of obtaining, on the sale by the said Council of any such lands, as high prices as can be realised for the same at the respective periods of any such sales, to enlarge the provisions of the said Law by conferring further powers on said Council, in particular with respect to the periods of payment of the purchase price of any Town Lands to be sold under or for the purposes of said Law :

And the expediency of enlarging the powers of the Town Council as to sales of land thereunder.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. Whenever the Corporate Council of the Borough of Pietermaritzburg shall deem it expedient to sell any of the Town Lands, under the powers or provisions of the said Law of 1864, it shall be lawful for such Council to stipulate that any such sales shall be on the terms and conditions of the payment of the purchase prices thereof, either in whole or in part, at such periods, and by such instalments or portions thereof, and at such rates of interest, as may from time to time be determined upon by the Council for the time being: Provided that the periods of payment of such purchase prices or instalments, or portions thereof, shall not extend beyond the period of the forty years contemplated by such Law for the repayment of the said proposed loan.

Council in selling Corporation lands may stipulate for payment of price by instalments.

Periods of payment not to extend beyond forty years.

2. Upon any and every such sales as aforesaid, the respective purchase prices, or any portions or parts thereof, which, on the grant of transfer of any such land so sold, shall be or remain unpaid, shall, together with the interest to become due thereon, be a first charge on the respective lands and properties so sold, and be secured by preferential mortgage thereon, and shall be further collaterally secured by the respective bonds of the purchasers thereof, bearing even date with the deeds of transfer thereof, for the respective sums so to become payable, and the same shall be so taken, with or without other collateral security, as the said Council, on each or any such sale, may deem expedient.

Purchase price of lands to be a first charge by mortgage on lands sold.

3. All mortgage bonds and other securities granted under the provisions of this Law, shall be duly registered according to law, and shall specify that the same are so granted for the purposes aforesaid, and that the moneys thereby to be secured are applicable to the repayment of the moneys borrowed, or to be borrowed, by the said Council, upon the debentures or other instruments or securities aforesaid.

Such mortgages to be registered, &c.

4. All and every of the purchasers of any such lands may, at any time during such periods, redeem the said lands from any such bonds, mortgages, and other charges thereon, by payment unto the said Council of the respective purchase prices, or balance of purchase prices thereof, with all interest then due or accruing due thereon, and of a further sum equal to one-half year's additional interest as aforesaid, calculated from the respective period of each such respective payments or liquidations as aforesaid.

Purchasers of land may redeem mortgages at any time.

Pietermaritzburg Corporation.

All moneys received through these sales to be applied to purposes of Law of 1864.

Town Council to transmit to Governor yearly accounts of lands sold.

Town Council may grant leases not exceeding forty years of lands charged with debentures under Law of 1864.

Council may grant leases under Law 21, 1862.

This Law not to affect sales by Council under Law of 1864.

To be a public Law; and commencement thereof.

5. All sums of money which may be paid or raised for or on account of the purchase prices of any Town Lands so sold as hereinbefore mentioned, or of any interest thereon, shall be applied to or towards the purposes of said Law of 1864.

6. It shall be the duty of the Council of the Corporation for the time being, and from time to time of each successive Council in each year, to transmit to the Lieutenant Governor a full and particular account of all property sold in pursuance of the provisions of this Law, and of the prices for which each such property has been sold, and of all sums from time to time received on account thereof, and of the manner of the application of all such moneys.

7. It shall be lawful to the purchasers of any Town Lands sold by the said Council under the provisions hereof, or of the said Law of 1864, notwithstanding such lands shall be charged or burdened with any such mortgage bonds in security for the purchase prices thereof, upon the written consent of the Council first had, to grant leases of any such Town Lands, or of any portion thereof, for any period not exceeding forty years from the period at which the debentures under said Law of 1864 are issued, without the consent thereof of any of the holders of the debentures, or other instruments or securities issued, or to be hereafter issued, by the said Council, in virtue of such aforesaid Law.

8. It shall also be lawful for the said Council to grant leases of any portions of their Town Lands upon the consent of the Lieutenant Governor, under the provisions of the Law No. 21, 1862, entitled "Law amending and consolidating the Laws in regard to Municipal Corporations," without the consent thereof of the holders of any of the debentures, instruments, or other securities, issued or to be issued by said Council, under said Law of 1864, or under this Law, notwithstanding anything therein contained to the contrary thereof.

9. The provisions of this Law shall not affect the sale of any Town Lands sold, or to be hereafter sold, by said Council, in virtue of the powers conferred on the Council by the said Law of 1864, in regard to such corporate lands.

10. This Law shall be deemed and taken to be a Public Law, and shall take effect from and after its promulgation in the *Government Gazette*.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ESKINE,
Colonial Secretary.

Umgeni Sugar Company.

PRIVATE LAW.

(Signed) JOHN J. BISSET.

Law to enable the Umgeni Sugar, Coffee, and Produce Company of Natal (Limited), to purchase, accept of, hold, transfer, exchange, mortgage, or lease, or otherwise deal with Lands and other Immoveable Property in Natal, and to do such other Things as may be incidental to the Objects of the said Company.

WHEREAS, under a certain statute passed by the Imperial Parliament of Great Britain and Ireland, and styled "The Companies' Act, 1862," a Company called the "Umgeni Sugar, Coffee, and Produce Company of Natal (Limited)," was duly incorporated, with a capital of £40,000 sterling, having for its objects amongst other things the purchasing, accepting, holding grants or leases of land or other immoveable property in Natal, and the re-sale, mortgaging, or leasing thereof, or otherwise dealing with lands and other immoveable property in the Colony of Natal; and the cultivation of sugar, coffee, and other staple products of Natal; and for the purchase thereof, and shipping the same direct from the growers or otherwise; and to make advances to cultivators of sugar, coffee, or other staple products, either at interest or otherwise; and to enter into all necessary contracts and charterparties, and to do all such other things whatsoever incidental to or which may be necessary or conducive to the attainment of any of the objects of the Company, or either or any of them, or that may appear to the said Company to be conducive thereto, or expedient to be carried on in connection therewith:

And whereas the said Company is the registered holder of sundry farms in this Colony, and it is necessary for the purpose of enabling the said Company with facility to carry out its objects that the said Company should be empowered to lease, transfer, or mortgage the same, and to purchase, hold, transfer, mortgage, and otherwise deal with immoveable property in the Colony of Natal in the corporate name of the Company; and also in such name in the said Colony to contract and trade, and otherwise to carry out the objects contemplated by the said Company:

Be it enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. That the said "Umgeni Sugar, Coffee, and Produce Company of Natal (Limited)," shall be and is hereby incorporated in Natal for the execution and carrying on the purposes contemplated by the Company, and shall have and use a Common Seal with the name of the Company inscribed thereon; and shall be and the said Company is hereby empowered and authorised in the name of the Company to

Preamble.

Recites that Umgeni Company was incorporated under the "Companies Act, 1862," and states objects of that Company;

And that Company desires to be empowered to hold lands and carry out its objects in this Colony.

Company incorporated in Natal, and enabled to acquire, hold, transfer, and mortgage, &c., lands.

Umgeni Sugar Company.

hold, possess, and enjoy the said lands, with power to lease the same, and to transfer, mortgage, or otherwise alienate or deal with the same; and also, in the name of the Company, from time to time to purchase, take, acquire, and hold to the Company and its successors and assigns in fee simple, quit-rent, or otherwise any other immoveable property of any nature, tenure, or kind soever in the Colony of Natal, and to sell, dispose of, alienate, transfer, grant, mortgage, charge, exchange, or lease or take on lease, or otherwise deal with all or any part of such immoveable property in the said Colony, or for any estate or interest therein, from time to time, and in such manner as the said directors may think fit: Provided always, that all acts, deeds of transfer, mortgage and other bonds, proper for registration shall be passed by the manager for the time being of the said Company in Natal, when duly authorised thereto by the directors of the said Company under the corporate seal of the Company, or his attorney duly authorised in that behalf: And further, all contracts, leases, and other acts and documents made and entered into by the directors of the said Company, and not proper for registration, shall, when authorised in like manner under the corporate seal of the said Company, be entered into, done, and performed by the manager of the Company for the time being in Natal, or by his duly authorised attorney: Provided always, that no special authority shall be required by the manager for any contract, lease, or any other act or document not proper for registration into which he may on behalf of the Company enter with any person.

Deeds proper for registration to be passed on due authority by manager under corporate seal.

Contracts, &c., not proper for registration to be made by manager under seal.

But special authority not required by manager in case of deeds not proper for registration.

Manager, when generally empowered by directors may contract as follows:—

2. And the said manager may, when generally empowered thereto by the directors of the said Company under the corporate seal of the said Company, in the name of the Company enter into and contract with any person or persons willing to contract with the said Company for any of the following purposes, namely:—

To purchase, sell, mortgage, or lease, &c., lands.

(a) To purchase or accept of and hold grants or leases of land or other immoveable property in Natal, and the re-sale, mortgaging, leasing, or sub-leasing thereof, and the growth thereon, either by direct cultivation or by contract, of sugar, coffee, and other staple produce in Natal.

For growth or purchase of staple produce of Natal.

(b) To purchase sugar, coffee, and other staple produce of Natal direct from the growers or otherwise.

For manufacture and preparation of sugar for shipment.

(c) To manufacture sugar, and prepare sugar, coffee, and other staple produce for sale, transit, and shipment, and the sale of staple produce in Natal.

To make advances.

(d) To make advances to cultivators of sugar, coffee, or other staple products, either at interest or otherwise.

To charter, purchase, and insure vessels.

(e) To charter, freight, hire, purchase, acquire, and provide British and other vessels for any of the purposes of the Company, and to insure any of the same ships, and any ordinary parts of the cargo thereof, with any insurance company or companies carrying on business in this Colony or elsewhere.

Umgeni Sugar Company.

(f) And to do all such other things whatsoever of the like sort, or otherwise as provided for in the memorandum and articles of association, which the said Company from time to time may consider to be incidental or conducive to the attainment of any of the objects aforesaid, or otherwise for the advantage of the Company.

To do any other things in accordance with articles of association.

3. The said Company shall sue and be sued by its corporate name in respect of any claim by or upon the Company upon or by any person, and whether a member of the Company or not, so long as any such claim shall remain unsatisfied; and service of any notice or notices or process or processes whatsoever on the manager for the time being of the said Company resident in Natal, or at the offices of the said Company in Natal, shall be deemed and taken to be good and sufficient service of such notice or notices, process or processes on the said Company.

Company to sue and be sued by corporate name.

Serving of notices and process.

4. If sufficient goods of the said Company cannot be found whereon to levy for any judgment, costs, and expenses payable by the Company, the same may, if the amount thereof do not exceed Fifteen pounds sterling, be recovered by execution against the goods of the manager for the time being of the said Company; but no such execution shall issue against the goods of such manager unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, shall have been given to such manager or left at his residence; and if such manager pay any money under such execution as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money or property belonging to the Company coming into his custody or under his control, or he may sue the Company for the same.

Company's debt, not exceeding £15, may be recovered by execution against goods of manager. Procedure to be observed.

5. In any criminal prosecution, preliminary enquiry, or proceeding, or on any warrant, indictment, or other proceeding at law, it shall be sufficient if any goods or other things which shall or may be set out in any such indictment, warrant, or other proceedings shall be described and laid to be the property of the Company; and the Company shall be described therein by its corporate name.

Provision for description of goods of Company and of Company in legal process, &c.

6. This Law shall be taken to be a Public Law; and shall be recognised as such in all Judicial Courts in the Colony: and shall commence and take effect from and after the publication thereof in the *Government Gazette* of this Colony.

To be a public Law; and commencement thereof.

Given at Government House, this 3rd day of August, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

Durban Corporation.

PRIVATE LAW.

(Signed) JOHN J. BISSET.

Law to repeal, and re-enact with amendments, the Law passed in the year 1865, called or known as the "Durban Corporation Loan Law, 1865," and to confer Additional Powers on the Council of the Corporation of the Borough of Durban.

Preamble.

Recital of objects of proposed loan of £50,000 authorised by Law of 1865.

WHEREAS by the above-mentioned Law, the Corporate Council of the Borough of Durban were authorised and empowered to take up on loans at interest, by public competition, upon debentures or other instruments, the sum of £50,000 sterling, in one or more sums of money, on the security of the Town Lands of the said Borough, or on such portion thereof as should be sufficient for the purpose, in order to defray the expenses of certain public works of the said Borough, and for the payment of certain debts incurred in respect thereof, including among such works the supply of water, the macadamising, paving, or otherwise hardening the streets and footpaths, and the constructing a thorough system of main and other drains and sluices, and the erecting public buildings, and making other improvements, in such Borough, and also to pledge the annual rents derivable from said lands, and if necessary, the rates annually assessed and levied within the said Borough, and the general revenues of the said Borough, for the due and punctual payment of the principal monies, and annual interest thereof :

Council hitherto have not raised any part of such loan, but have carried on works, and incurred further debts.

And whereas the Council of the said Borough of Durban have not hitherto raised any of the said moneys upon any such securities, but have carried on certain of such works, and in particular certain public improvements, known as the Berea Road Improvements, and have therefor had to borrow moneys on loan, to the amount of £36,000, to enable the said Council to defray the expense of such works :

Expediency of repealing Law of 1865, and re-enacting same with amendments.

And whereas for the better enabling the said Town Council to attain the aforesaid objects, it hath become expedient to repeal such Law, and to re-enact the same in an amended form, and thereby specially to confer upon the said Council additional and extended powers :

Recital that provisions of section 69 of Law No. 21, 1862, require to be extended to embrace mortgage of lands.

And whereas by the sixty-ninth section of the Law No. 21, 1862, entitled, "Law amending and consolidating the Laws in regard to Municipal Corporations," the Councils of Municipal Corporations are empowered, among other things, with the consent of the Lieutenant Governor, in writing, to raise any sum of money necessary to carry on any public works, by mortgage of their rates and revenues, but no provision is by such Law made for mortgaging their lands for any such purpose, or for the payment of the debts due by such Council in respect thereof ; and it is desirable and expedient to enlarge such provisions and powers :

Be it therefore enacted by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Durban Corporation.

1. The Law, dated 24th August, 1865, known as the "Durban Corporation Loan Law, 1865," entitled, "Law to enable, authorise, and empower the Council of the Borough of Durban, to negotiate, contract for, and raise by loan or otherwise, either in England or this Colony, or elsewhere, moneys not exceeding the sum of £50,000 sterling, and also, if necessary, to enable the said Town Council, with the sanction of the Lieutenant Governor, to sell any of the Town Lands yet remaining unsold or unlet, to the extent of five-eighths parts of such lands, as well as those already leased either in freehold or by annual quitrent with bonus, or under any other manner of holding as the said Town Council shall deem most expedient," be, and the same is hereby, repealed, but without prejudice to any matters or things which may have been done thereunder.

Durban Corporation Loan Law of 1865 repealed.

2. It shall be lawful for the Council of the Borough of Durban, at any time and from time to time, during the period of forty years from the time at which this Law shall take effect, to raise and take up, by public competition or otherwise, as the Council may deem most advisable, either in England, in this Colony, or elsewhere, any and all sum and sums of money as shall not at any one time exceed in the whole the sum of Fifty Thousand Pounds sterling, as may be required by the said Council from time to time, for any of the purposes hereinbefore mentioned and set forth.

Council of Borough of Durban empowered to borrow £50,000 for purposes of public works and improvements in borough.

3. Any such sum or sums of money as aforesaid may be raised upon, or by way of, debentures, or mortgage bonds, or other securities, as may from time to time by the said Council be deemed expedient for any of the purposes set forth in the preamble of this Law, and shall, if the Council shall so think fit, be at any time, and from time to time, for any of the purposes aforesaid, re-issuable and re-issued, or, should the Council think fit, at any time cancelled, and others issued in lieu thereof, or in substitution for the same, for the like or any other amount.

Council may issue debentures or other securities;

And may re-issue the same, or cancel and issue others in lieu.

4. Every such debenture bond, or other security as aforesaid, shall be designated under the title of "Durban Loan Securities," and be payable within forty years from the time at which this Law shall take effect, and may be in such form as the said Council may, from time to time, deem most suitable for the aforesaid purposes.

Such debentures to be styled "Durban Loan Securities," and be redeemable within forty years.

5. All such instruments shall be deemed to be validly executed upon being signed, upon the execution thereof either by the Mayor of the said Borough, or any one of the Councillors thereof for the time being, and upon being countersigned by the Town Clerk and Treasurer, and sealed with the common seal of such Corporation.

How such debentures may be executed.

6. It shall not be necessary, in case of any coupons being issued thereunder, for any such coupons to be signed otherwise than by the Town Clerk and Treasurer.

Coupons, how to be signed.

7. Every such debenture, mortgage bond, or other security and cancellation thereof, and other security in substitution thereof, shall be duly registered with the Registrar of Deeds of this Colony, either before or immediately upon their being issued, or re-issued, or cancelled, or substituted, as the case may be.

Debentures and re-issues and cancellations, &c., to be registered.

Durban Corporation.

Registration fee thereon.

Sums borrowed by such debentures charged upon specified three-eighths of town lands, and on general revenue of borough.

Debentures to be concurrent in preference.

Such three-eighths of town lands to be laid off on ground plan, and diagrams filed.

Council not to borrow sums amounting to more than £50,000 at any one time.

Council may re-issue and pledge debentures.

Debentures to bear interest not exceeding nine per cent.

Interest payable half-yearly.

Council to set apart nine per cent. yearly for payment of interest from borough revenues.

8. For every such registration there shall be payable to the said Registrar, for the use of the Colonial Government, a fee of three shillings sterling, and no more.

9. All sums of money which shall become due or payable upon, or by virtue of, any such debentures, mortgage bonds, or other securities, together with all interest thereon, shall be, and the same are hereby, charged upon such three-eighth parts or portions of the Town Lands of the said Borough, as shall be particularly described and set forth in such debentures, bonds, or other instruments, and shall be payable out of such portion of the rents, rates, and general revenue of the said Corporation as may be required to fully cover and discharge any sum or sums of money, due or accruing under this Law, in preference to all other payments which hereafter may be charged upon the aforesaid three-eighth parts or portions of the Town Lands, or the rents, rates, and general revenue of the said Borough.

10. The several debentures, mortgage bonds, and other securities under this Law, shall be concurrent one with another as respects their preference over the said lands, rents, rates, and revenues.

11. The three-eighth parts or portions of the lands so chargeable in security as aforesaid, and described or referred to in such debentures, mortgage bonds, or other securities, shall, previously to the granting of any such debentures, mortgage bonds, or other securities, be laid down or marked off upon the general plan of the Town Lands of the said Borough, and a duly certified diagram thereof be filed in the respective offices of the Surveyor General and Registrar of Deeds of this Colony, and another such copy filed in the Town Clerk's office of the said Borough, but it shall not be necessary to annex to any such debenture, mortgage bond, or other security, any such diagram, or a duplicate or a copy thereof.

12. It shall not be lawful for such Council, either by means of the issuing, or re-issuing, or substitution, or pledging, of any such debentures, mortgage bonds, or other securities, or by any other means to increase or extend the amount of the loan so hereinbefore authorised to be contracted or raised, beyond the aforesaid limit or sum of fifty thousand pounds sterling, at any one time.

13. The Council may, for any of the purposes aforesaid, grant and issue or re-issue, and may also pledge any such debentures, mortgage bonds, or other securities, without any special consent therefor from the Lieutenant Governor.

14. Any debenture, mortgage bond, or other security, granted under this Law, may bear any rate of interest not exceeding nine pounds per centum per annum for every one hundred pounds payable thereunder, and such interest shall be payable at par, half yearly, at such times and places, either in England, Natal, or elsewhere, as may be in any such debenture, mortgage bond, or other security, covenanted and agreed to.

15. The Council of the said Borough shall regularly in each year set apart, and half-yearly in each year pay out of the annual rents, rates, and general revenue of the Corporation, or by a special rate which said Council are hereby authorised to levy, demand, receive, and collect, for such purpose, or out of the proceeds of the

Durban Corporation.

sale of such Town Lands as the Council for the time being shall think fit, not being any part or portion of the said three-eighth parts or portions of the said Town Lands, the interest on all or any of the moneys so raised as aforesaid, not exceeding the rate of nine pounds per centum per annum on the sums so from time to time borrowed and made payable.

May make special rates, or apply proceeds of sale of town lands in payment.

16. It shall be lawful for the said Town Council from time to time, and at all times, during the said period of forty years, to buy up, purchase, or redeem any of such debentures, mortgage bonds, or other securities, for such sum and sums of money, or upon such other terms or consideration as the said Council may at any time deem expedient or desirable.

Council may buy up such debentures during the forty years.

17. It shall be lawful, in case the said Council shall deem it expedient, for such Council to pledge any of such aforesaid debentures, mortgage bonds, or other securities, as collateral or other security, for any moneys now or at any time hereafter owing by, or lent, or to be lent or advanced to such Council for any of the aforesaid purposes.

Council may pledge debentures, &c., on specialty.

18. Every such pledge shall be in writing, and be by contract or other memorandum setting forth the terms and conditions thereof, and shall be duly signed by the Mayor for the time being, and countersigned by the Town Clerk and Treasurer of the said Borough, and sealed with the common seal of the said Corporation, and be also signed by or on behalf of any Company or other person or person or persons in whose favour the pledge shall be granted or made.

Special pledge to be in writing, and sealed;

19. Every contract of pledge or memorandum of any and every such pledge shall, upon its being so signed be registered in the said Registrar of Deeds' office.

And registered.

20. Such Council may empower any Company or other persons or person with whom any such debentures, mortgage bonds, or other securities aforesaid shall at any time be pledged, to negotiate and issue any such debenture, mortgage bond, and other security in England, or in this Colony, or elsewhere, at not less than such minimum rate as shall be fixed and determined upon at a special meeting of the Council convened for the consideration of such business, and at which not less than three-fourths of the entire Council shall be present and consenting thereto: And it is hereby expressly declared that any such negotiation and issue of such instrument under such sanction of the Council granted upon any such pledge thereof, shall be as valid as if effected by such Council in ordinary course of competition, or by other ordinary arrangements: Provided, nevertheless, that no such debentures, mortgage bonds, or other securities aforesaid, shall be issued at a lower rate than par without the sanction of the Lieutenant Governor first obtained.

Council may authorise pledges to negotiate debentures pledged

Debentures not to be issued at a lower rate than par without consent of Governor.

21. The Council shall, during the said period of forty years, keep a correct register, and separate accounts and statement of all moneys raised or borrowed, or paid off, or liquidated, under the aforesaid provisions of this Law, and of all debentures, mortgage bonds, and other securities granted or redeemed under such aforesaid provisions of this Law, and of any renewals or substitutes therefor; and shall in the month of January in each year during such period of forty

Council to keep register and accounts of moneys borrowed and of debentures granted, redeemed, or renewed;

Durban Corporation.

And yearly transmit copies thereof to Colonial Secretary.

Register to be open to inspection during office hours on payment of fee.

All moneys borrowed to be applied to aforesaid purposes.

Sinking fund established.

Council may lease the three-eighths of land charged with debentures without consent of holders;

For best rent that can be got.

Council may sell the remaining five-eighths of town lands not charged with debentures with sanction of Governor.

Council may mortgage town-lands not charged with debentures for any purposes mentioned in section 69 of Law 21, 1862, and Law 19, 1872, § 2.

years, transmit to the Colonial Secretary a copy of such register and account, or other detailed statement, of all such accounts and transactions, in such form as the Lieutenant Governor may from time to time require.

22. The aforesaid register or book in which such statement or account is kept by such Corporation shall, during office hours, be open to search and inspection upon payment of a fee of one shilling for every such search and inspection.

23. All and every the sums and sum of money which shall at any time be raised, received, or taken under the aforesaid provisions of this Law, shall be applied to and for the purposes hereinbefore set forth or referred to, and to and for no other purposes whatsoever.

24. Out of all moneys so borrowed as aforesaid, the said Council shall from time to time as when so borrowed, set aside a sum and sums computed at not less than two per centum upon the sum so borrowed, as a sinking fund, and shall thereupon forthwith invest, or cause the same to be invested, in the re-purchase of their own debentures, mortgage bonds, or other securities, or in the public funds of Great Britain and its dependencies; and also shall and will from time to time forthwith invest, or cause to be invested, on like securities, all dividends, interest, or annual proceeds arising from all and any such investments, to the intent that the same may accumulate by way of compound interest thereon.

25. The Council of the said Borough shall and may use, exercise, and enjoy all powers of leasing the aforesaid three-eighth parts or portions of such Town Lands competent to the said Council to use, exercise, and enjoy, in respect of any other portions of the said Town Lands under the Laws in force for the time being in that behalf, notwithstanding the same may be charged with any such debentures, mortgage bonds, or other securities under the aforesaid provisions of this Law, and without the consent of the mortgagees or holders of any such securities: Provided always, that on every such lease, or renewal thereof, there shall be paid the best yearly rent that can be had for the same, without receiving any fine, premium, or foregift for granting the same, or any renewal thereof.

26. The Council shall have full power to sell all lands not charged with any such debenture, mortgage bond, or other security, under the aforesaid provisions of this Law, whether leased or not, to the extent of five-eighth parts of such Town Lands, either by freehold or by annual quitrent, with bonus, or under any other manner of holding, and subject to such conditions as the Council of said Borough may see fit to adopt as eligible, such sales being either by public sale or private bargain, and the sanction of the Lieutenant Governor being always previously obtained thereto, and to the conditions under which the same shall from time to time be offered for sale.

27. The Council may also, from time to time, upon written consent of the Lieutenant Governor first had and obtained, borrow, upon the security of their other corporate lands, or of any portion thereof, not specially chargeable under any such debentures, mortgage bonds, or other securities, any further sum and sums of money, that may, at any time or times, be needed and requisite for any of the

Durban Corporation.—Customs.

purposes mentioned or referred to in the sixty-ninth section of the Law No. 21, 1862, entitled, "Law amending and consolidating the Laws in regard to Municipal Corporations," as well as upon the security of other the rates, rents, and revenue, mentioned and referred to in this Law.

28. This Law shall be deemed to be a Public Law, and may be cited for all purposes as the "Durban Corporation Loan Law, 1866"; and shall take effect from and after the publication thereof in the *Government Gazette*.

To be a public Law; and commencement thereof.
Short title.

Given at Government House, this 12th day of December, 1866.

By command of His Excellency the Administrator of the Government,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 1, 1867.

(Signed) ROBT. W. KEATE.

Law to repeal Law No. 13, 1863, entitled, "Law for levying certain Duties of Customs within the Colony of Natal," and for imposing and levying certain other Duties and Charges in lieu thereof, and for Prohibiting the Importation of Certain Articles.

WHEREAS, it is expedient to amend the Laws now in force for levying certain duties of Customs on articles imported into this Colony, and to make other provisions with reference thereto: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That Law No. 13 of 1863, entitled, "Law for levying certain Duties of Customs within the Colony of Natal," shall be and the same is hereby repealed. Law No. 13, 1863, repealed.

2. There shall be raised, levied, collected, and paid upon the goods, wares, and merchandise imported or brought into this Colony described and set forth in the Schedule A hereunto annexed the several duties of Customs respectively inserted in such schedule. Duties in Schedule A to be levied on goods imported.

3. The goods, wares, and merchandise inserted, described, and set forth in the Schedule B hereunto annexed shall be admitted into this Colony free of duty, except registration charges, as set forth in Goods, &c., in Schedule B not subject to duty, except registration fees as in Schedule C.

Customs.

Schedule C hereunto annexed; subject, however, to such regulations as the Collector of Customs may see fit to make, with the consent of the Lieutenant Governor, with respect to such goods, wares, and merchandise.

Fees in Schedule C payable on the importation and entry of goods.

4. The several fees and charges, as set forth in Schedule C shall be payable to the Collector of Customs at the importation and entry at the Custom House by him of any of the goods, wares, and merchandise in such Schedule mentioned or referred to, imported or brought into this Colony.

Articles in Schedule D prohibited to be imported. Penalty of £50 and forfeiture.

5. The goods, wares, or articles inserted, described, and set forth in the Schedule D hereunto annexed are prohibited to be imported under a penalty of Fifty pounds, together with the forfeiture of the parcel or package of goods in which the same may be found; and shall or may be seized by any officers of the Customs of this Colony; and when seized under this Law, shall be forfeited without any adjudication of forfeiture; and shall be dealt with in such manner by the Collector of Customs as the Lieutenant Governor may direct.

Additional duty of two and a half per cent. payable on goods entered for home consumption. Exceptions thereon.

6. There shall be paid upon every home consumption entry passed under this Law, in addition to the Customs' duties payable thereon, a further charge of two and a half per cent. upon the total amount of duty on the goods specified in said entry: Provided, however, that such additional duty shall not apply to or be payable upon or in respect of any goods taken out of bond under the provisions of section 10 of Law No. 18, 1866, entitled, "Law to repeal Law " No. 30, 1865, entitled, 'Law to amend the Ordinance No. 6, " ' 1855, entitled, " Ordinance for the general Management and " " Regulation of the Customs in the District of Natal," ' and " also to amend the said Ordinance No. 6, 1855."

Commencement of Law.

7. This Law shall commence and take effect at the expiration of one month after the date of the publication of a proclamation made by the Lieutenant Governor, signifying Her Majesty's confirmation or consent thereto.

Schedules.

SCHEDULE A.

	£	s.	d.
Ale and Beer, in bottle and in wood, per gallon ...	0	0	6
Candles, per pound	0	0	1
[Cheese, per pound	0	0	1½]
Coffee, per cwt.	0	6	0
Cotton Blankets or Sheets, whether in the single article, in pairs, or in pieces, at per £100 value	15	0	0
Dried Fruits, per pound	0	0	1
[Guns and Gun-barrels, each barrel	1	0	0]
Gunpowder, per lb.	0	0	6

Vide Law 2, 1872.

Vide Law 17, 1874, §§ 2 and 3.

Customs.

	£	s.	d.	
Hoes, Adze-Hoes, or parts thereof, not classified as Kafir Hoes, each	0	0	6	
Jackets or Coats, made of Blanketing or Baize or Twilled Baize, at per £100 value	15	0	0	
Picks or Hoes, called Kafir Picks or Hoes, or any pieces of iron made or fashioned so as to be easily convertible into Kafir Hoes or Picks,—each Pick or Hoe, and each portion of iron convertible as aforesaid into one Pick or Hoe, each	0	0	6	Vide Law 2, 1872.
Pistols, Pistol-barrels, or set of Barrels, each ...	0	5	0	
[Potted Fish and Meats, Salt Beef, Pork, Pickles, Sauces, Bottled Fruits, Jams and Jellies, Refined and Candy Sugar, Beads, for every £100 value	6	0	0]	Vide Law 2, 1872.
[Spirits of all sorts, not sweetened, not exceeding the strength of proof by Sykes' Hydrometer, and so on in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a gallon, at per gallon ...	0	6	8]	Vide Law 2, 1872.
[Spirits, Sweetened, Liqueurs, or Cordials, at per gallon	0	6	8]	Vide Law 2, 1872.
Sugar, not refined, per cwt... ..	0	8	6	
Tea, per pound	0	0	6	
Tobacco, not manufactured, per cwt.	2	2	0	
„ manufactured, per pound	0	1	6	
„ Cigars, per pound	0	4	0	
Wine, in wood or bottle, per gallon	0	2	0	
Woollen Blankets, Railway Rugs, and Manufactures of Wool, or a Mixture of Wool and Cotton, commonly used as Woollen Blankets, whether in the single article, in pairs, or in the piece, for every £100 value	15	0	0	
Goods, Wares, and Merchandise, not otherwise charged with duty, not prohibited to be imported, and not declared by Schedule B of this Law to be free of duty, for every £100 value	6	0	0	

SCHEDULE B.

A Table of Goods Duty free, excepting Registration Charges, as set forth in Schedule C. Vide Law 11, 1876.

Animals, Living.

Agricultural Implements, that is to say: Ploughs, Harrows, Reaping Machines, Winnowing Machines, and all other Machines and Implements exclusively employed in Agricultural pursuits.

Customs.

Books and Music, printed; Maps and Charts; except Reprints of Works protected by the English Copyright Act, or prohibited to be imported.

Bread Stuffs.

Bricks and Fire Bricks.

Casks, Staves for Casks, Heading for Casks, Hoops and Hoop Iron.

Coin and Bullion.

Coals, Coke, and Patent Fuel.

Cement (Portland and Roman).

Diamonds.

Flour and Meal (Wheaten).

Fresh Fruit and Fresh Vegetables.

Grain of all kinds.

Grain Bags, Gunny Bags, and Bagging.

Guano and other Manures.

Ice.

Lime.

Machinery used exclusively in the preparation and manufacture of any of the Productions of the Soil, and in Sawing Timber, and in the making of Bricks and Tiles.

Pease, Beans, and Pulse of every kind.

Printing Presses and Type.

Pig Iron.

Provisions, Stores, and all Articles of every Description imported for the use of Her Majesty's Land and Sea Forces, or for the Colonial Government; provided, the Duty otherwise payable thereon would be paid or borne by the Treasury of the United Kingdom or the Government of this Colony.

Railway Carriages.

Rice.

Salt.

Slates for Roofing.

Seeds, Bulbs, and Plants, and Specimens of Natural History.

Tiles.

Uniforms and Appointments imported by and for the use of any Officers of Her Majesty's Civil, Military, or Naval Service, serving on full pay in this Colony, or for any Militia or Volunteer Forces in this Colony.

Vacua Bags and Wool Bags, made up.

Wines and Spirits imported or taken out of bond for the use of the Lieutenant Governor, and for the use of Her Majesty's Military Officers serving on Full Pay in this Colony; and also for the use of the Officers of Her Majesty's Navy on Full Pay, and serving on board any of Her Majesty's Ships; subject, however, to such regulations as the Collector of Customs shall think fit to make: Provided, however, that if any such wines or spirits so imported shall be subsequently sold in this Colony, except for the use or consumption of any of the Officers aforesaid, the same shall, unless duty be first paid thereon, be forfeited.

Customs.

SCHEDULE C.

*Registration Charges on Free Goods.*Vide Law 11,
1876.

	£	s.	d.
Flour, Meal, Rice, Grain, Pease, Beans, &c., imported, each bag or barrel ...	0	0	2
Bricks, Tiles, Slates, Coals, Coke, Patent Fuel, Pig Iron, Cement, Manure, Lime, Salt, per ton ...	0	1	0
[Machinery, to be employed in Agricultural, Manufacturing, and Mining Operations; also in Distillation and other Chemical Processes; as well as the Cleansing, Pressing, and otherwise preparing any Article for Exportation, at the option of the Collector of Customs, per package ...	0	0	6
Or per ton, weight or measurement ...	0	1	0]

Vide Law 20,
1872.

SCHEDULE D.

Articles prohibited to be Imported.

Books, Drawings, Paintings, and Prints and Photographs of an immoral or indecent character.
Coin, base or counterfeit.

Given at Government House, this 30th day of May,
1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 2, 1867.

Law for raising a Loan of One Hundred Thousand Pounds for the Construction of Public Works.

Repealed by Law No. 8, 1867, § 1.

Laws Expired.

LAW No. 3, 1867.

Law for making further provision for the service of the year 1866.

LAW No. 4, 1867.

Law for making further provision for the service of the year 1867.

LAW No. 5, 1867.

Law for applying a sum not exceeding £99,303 14s. 2d. for the service of the year 1868.

LAW No. 6, 1867.

Law for authorising the Expenditure of a Sum not exceeding £7,200 towards the Construction of the Works to improve the Harbour of Natal.

LAW No. 7, 1867.

Law for authorising the Expenditure of a Sum not exceeding £26,923 4s. 8d., for the Construction of Public Works during the years 1867 and 1868.

LAW No. 8, 1867.

Law to repeal and re-enact, with amendments, Law No. 2 of 1867, entitled, "Law for raising a Loan of One Hundred Thousand Pounds for the Construction of Public Works."

Repealed by Law No. 16, 1871, § 20.

Reciprocal Coasting Trade.—Government Stores.

LAW No. 9, 1867.

(Signed) ROBT. W. KEATE.

Law to repeal Law No. 16, of 1866, entitled, "Law for the Establishment of a Free Reciprocal Coasting Trade between the Colonies of Natal and the Cape of Good Hope; and to alter or amend the Law No. 13, 1863, entitled, 'Law for levying certain Duties of Customs within the Colony of Natal.'"

WHEREAS, it is deemed expedient to repeal the aforesaid Law No. 16 of 1866: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. The Law No. 16, of 1866, entitled, "Law for the establishment of a Free Reciprocal Coasting Trade between the Colonies of Natal and the Cape of Good Hope, and to alter or amend the Law No. 13, 1863, entitled, 'Law for levying certain Duties of Customs within the Colony of Natal,' " shall be, and the same is, hereby repealed. Law 16, 1866, repealed.

2. This Law shall take effect from and after the promulgation thereof in the *Government Gazette*. Commencement of Law.

Given at Government House, this 4th day of October, 1867.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1867.

(Signed) ROBT. W. KEATE.

Law for the Protection of Her Majesty's Naval and Victualling Stores within the Colony of Natal.

WHEREAS it is deemed expedient to make provision for the protection, within the Colony of Natal, of Her Majesty's Naval and Victualling Stores: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Government Stores.

Marks in schedule may be applied to Her Majesty's naval and victualling stores, to denote Her Majesty's property therein.

Admiralty or appointees of Admiralty may apply such marks.

Any person applying such marks without lawful authority liable to imprisonment not exceeding two years.

Any person fraudulently removing such marks liable to same penalty.

Any person knowingly possessing, selling, &c., stores so marked liable to imprisonment not exceeding one year.

Dealers in marine stores, &c., presumed to know that such stores are so marked.

Any person charged with an offence as last aforesaid in reference to stores not exceeding £5 in value, liable to fine not exceeding £20, or imprisonment not exceeding six months.

Any person not being a dealer in marine stores, &c., unlawfully possessing, &c., such stores, liable to a penalty not exceeding £5.

1. The marks described in the schedule to this Law, may be applied within this Colony in or on Her Majesty's naval and victualling stores to denote Her Majesty's property in stores so marked, and if any such marks shall have been applied elsewhere, by lawful authority, in or on any such stores, such marks shall be deemed, for the purposes of this Law, to have been applied on or in such stores, within this Colony, by virtue hereof.

2. It shall be lawful for the Admiralty, or any of their contractors, officers, or workmen, within this Colony, who may be thereto duly appointed, to apply the said marks, or any of them, in or on any such stores as are described in the said schedule.

3. If any person, without lawful authority (proof of which authority shall lie on the party accused) shall apply any of the said marks in or on any such stores as are mentioned or described in the said schedule, he shall be deemed guilty of a criminal offence, and be liable to be prosecuted for the same, and upon conviction, to be imprisoned for any term not exceeding two years, with or without hard labour.

4. If any person, with intent to conceal Her Majesty's property in any naval or victualling stores, takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid, he shall be liable to prosecution for the same, and, upon conviction, to imprisonment for any term not exceeding two years, with or without hard labour.

5. If any person without lawful authority (proof of which authority shall lie on the party accused) shall receive, possess, keep, sell, or deliver any naval or victualling stores bearing any such mark as aforesaid, knowing any such stores to bear any such mark, he shall be liable to prosecution for the same, and, on conviction thereof, to be imprisoned for any term not exceeding one year, with or without hard labour.

6. When any person, charged with contravening the provisions of the preceding section, was, at the time at which the offence is charged to have been committed, a dealer in marine stores or old metals, or in Her Majesty's service, knowledge on the part of such person that the stores to which the charge relates bore such mark as aforesaid, shall be presumed, until the contrary is shown.

7. Any person charged with such an offence as last aforesaid, in relation to stores, the value of which does not exceed five pounds, shall be liable to prosecution in the Court of any Resident Magistrate of the Colony summarily, and, on conviction thereof, to a penalty not exceeding twenty pounds, or, in the discretion of the Magistrate, and also on default of payment of the fine, to be imprisoned for any period not exceeding six months, with or without hard labour.

8. If any naval or victualling stores, bearing any such mark, are found in the possession of any person not being a dealer in marine stores, or a dealer in old metals, and not being in Her Majesty's service, and such person upon being taken or summoned before a Resident Magistrate, does not satisfy the Magistrate that he came by the stores so found lawfully, he shall be liable to be prosecuted therefor summarily, and on conviction by the Magistrate, to a

Government Stores.

penalty not exceeding five pounds ; and if any such person satisfies the Magistrate that he came by the stores so found lawfully, the Magistrate, at his discretion, as the evidence given and the circumstances of the case require, may summon before him every person through whose hands any such stores may appear to have passed, and if any such person as last aforesaid who has had possession thereof or of any of such stores does not satisfy the Magistrate that he came by the same lawfully, he shall be liable on like summary conviction by the Magistrate, to a penalty not exceeding five pounds.

9. For the purposes of this Law, stores shall be deemed to be in the possession or keeping of any person, if he knowingly has them in the actual possession or keeping of any other person, in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit, or for the use or benefit of another.

10. It shall not be lawful for any person, without permission in writing from the Admiralty, or from some person authorised by the Admiralty in that behalf, to creep, sweep, dredge, or otherwise search for stores in the shore, or sea, or bay of Port Natal, or other port or harbour, or place of debarkation or embarkation belonging or immediately contiguous to the said Colony, or any tidal water within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to any such vessels, or from any moorings belonging to Her Majesty, or from any of Her Majesty's wharves, or dock, or victualling yards, or other yards appertaining to the Colony. If any person acts in contravention of this provision, he shall be liable on like summary conviction before a Resident Magistrate, to a penalty not exceeding five pounds sterling.

11. Whosoever shall aid, abet, counsel, or procure the commission of any offence under this Law, shall be liable to the same forfeiture and punishment as a principal offender is by this Law made liable.

12. If any person shall be convicted of receiving, possessing, or keeping any such stores as aforesaid, in contravention of this Law, the Resident Magistrate before whom the case is heard shall have power to order the restitution thereof in a summary manner, or if he shall so think fit to direct reasonable compensation to be paid therefor, to whomsoever the said stores shall belong.

13. If any credible witness shall prove upon oath before a Resident Magistrate, reasonable cause to suspect that any person has in his possession, or on his premises, any such stores, on or with respect to which any offence punishable under this Law shall have been committed, the Resident Magistrate may grant a warrant to search for such stores, as in the case of stolen goods.

14. Where any person shall be charged on the oath of a credible witness before any Resident Magistrate with any offence punishable under this Law, the Magistrate may summon the person charged, to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person by delivering the same to him personally, or by leaving the same at his usual place of abode) the

Magistrate may summon all persons through whose hands such stores have come.

Stores to be deemed in the possession of a person if in the possession of another for him.

No person to dredge, &c., for stores within 100 yards of vessels in Her Majesty's service,

Or dockyards, &c.

Penalty £5.

Abettors may be punished as principals.

Magistrate may order restitution of or compensation for such stores on conviction of offenders.

Magistrate may grant warrant to search for stores on oath of a credible witness.

Magistrate may summons or grant warrant for the apprehension of persons charged with offences against this Law.

Government Stores.

May determine
the case *ex parte*.

Magistrate may proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself, or the Magistrate before whom the charge shall be made may (if he should so think fit), without any previous summons, issue such warrant, and when the person shall appear or be brought before him, proceed to hear and determine the case.

If penalty under
this Law shall
not be paid, im-
prisonment not
exceeding three
months may be
awarded.

15. In every case of a conviction under this Law, where a penalty shall be imposed by the Resident Magistrate, and shall not be paid either immediately after the conviction, or within such period as the Magistrate shall at the time of the conviction appoint, the Magistrate may commit the offender to gaol, there to be imprisoned, with or without hard labour, for any term not exceeding three months, the commitment to be determined in each case upon payment of the penalty.

No conviction or
warrant of com-
mitment under
this Law shall be
quashed or be
void for want of
form.

16. No such conviction, or adjudication made on appeal therefrom, or review thereof, shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be good and valid conviction to sustain the same.

Actions against
Magistrates and
others must be
raised within six
months.

Notice of action
must be given.

17. All actions and prosecutions to be commenced against any Magistrate, officer, or other person, for any thing done in pursuance of this Law, shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action, and in any such action the defendant may plead the general issue, and give this Law and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a judgment or sentence be given for the defendant, or if the plaintiff shall become nonsuited, or discontinue such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same, as any defendant has by law in other cases, and though a verdict or other judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be, shall certify his approbation of the action.

No judgment
shall be obtained
against a Magis-
trate, &c., if
tender of suffi-
cient amends was
made.

As to costs.

Offences com-
mitted within
three miles of the
shore may be
tried in the
Colony.

18. All offences mentioned in this Law which shall be committed on the sea, within three miles of the shore of the Colony of Natal, shall be liable to the same punishments as if they had been committed upon the land, within the jurisdiction of the Supreme Court of this Colony; and may be dealt with, inquired of, tried, and determined within any county or division of this Colony by the Resident Magistrate thereof, in which the offender shall be apprehended, or be in custody.

This Law not to
exclude prosecu-
tions under
other laws; but
offender not to
be punished
twice.

19. Nothing in this Law shall prevent any person from being liable under any other Law or otherwise, to any other or higher penalty or punishment, than is provided for any offence by this Law, so that no person be punished twice for the same offence.

Government Stores.

20. It shall not be competent for any person other than the Attorney General or Clerks of the Peace to institute or carry on under this Law any prosecution or proceeding for any offence; and any penalty recovered under this Law shall belong to Her Majesty, her heirs and successors, and, unless remitted, shall be applied to the uses of the Government of this Colony.

Attorney General or Clerks of the Peace to prosecute.
Fines, how to be applied.

21. "Dealer in marine stores," shall mean any person dealing in, buying, and selling anchors, cables, sails, or old junk, old iron, or marine stores of any description; "Dealer in old metals," shall mean any person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only, or together with secondhand goods or marine stores; the term "Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of the Lord High Admiral; the term "in Her Majesty's service," when applied to persons, applies also to persons in the employment of the Admiralty; the term "Resident Magistrate" and "Magistrate" shall include the Assistant Resident Magistrate.

Interpretation clause.

"Dealer in marine stores."
"Dealer in old metals."

"Admiralty."

"In Her Majesty's service."

"Resident Magistrate."
"Magistrate."

22. This Law shall take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

SCHEDULE.

Marks appropriated for Her Majesty's use in and on Naval and Victualling Stores.

STORES.	MARKS.
Hempen Cordage and Wire Rope	White, black, or coloured worsted threads, laid up with the yarns and the wire respectively.
Canvas, Fearnoughts, Hammocks, and Seaman's Bags ...	A blue line in a serpentine form.
Bunting	A double tape in the warp.
Candles	Blue or red cotton threads in each wick, or wicks of red cotton.
Timber, Metal, and other Stores, not before enumerated ...	The broad arrow.

Given at Government House, this 4th day of October, 1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Post Office.

LAW No. 11, 1867.

(Signed) ROBT. W. KEATE.

Law to consolidate the Laws relating to Postal Conveyance, and to repeal Ordinance No. 4, 1851, entitled, "Ordinance for regulating the Conveyance and Postage of Letters"; Law No. 10, 1862, entitled, "Law for the Regulation of the Duties on Inland Postage"; Section 11 of Law No. 9, 1858, entitled, "Law to repeal Ordinance No. 26, 1846, extending to the District of Natal certain Provisions of the Cape Ordinance No. 60, 1829, entitled, 'Ordinance for Preventing the Mischiefs arising from the Printing and Publishing Newspapers, and Papers of a like nature, by persons not known, and for regulating the Printing and Publication of such Papers in other respects, and also for Restraining the Abuses arising from the Publication of Blasphemous and Seditious Libels,' and to enact other regulations in lieu thereof, and to regulate the Transmission of Newspapers by post"; Law No. 9, 1863, entitled, "Law to amend the Post Office Ordinance No. 4, 1851"; and Law No. 12, 1866, entitled, "Law to alter and amend Ordinance No. 4, 1857, entitled, 'Ordinance for Regulating the Conveyance and Postage of Letters,' and to make other and Better Provisions for, and to regulate, the Conveyance and Postage of Letters, Newspapers, Books, and Packets of Patterns.

Preamble.

WHEREAS it is expedient to consolidate the Laws relating to Postal Conveyance, and for such purpose to repeal the said Ordinance No. 4, 1851, section 11 of Law No. 9, 1858, Law No. 10, 1862, Law No. 9, 1863, and Law No. 12, 1866, and to make other and better provisions for, and to regulate, the conveyance and postage of letters, newspapers, books, and packets of patterns, within and to and from this Colony:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows, viz.:

Repeal of former Ordinances and Laws.

Former laws repealed.
Ordinance 4, 1851; Law 10, 1862; and Law 9, 1866, § 11.

1. The said Ordinance No. 4, 1851, entitled, "Ordinance for regulating the Conveyance and Postage of Letters," the said Law No. 10, 1862, entitled, "Law for the Regulation of the Duties on Inland Postage," section 11 of Law No. 9, 1858, entitled, "Law to repeal Ordinance No. 26, 1846, extending to the District of Natal certain provisions of the Cape Ordinance No. 6, 1829, entitled, 'Ordinance for preventing the mischiefs arising from the printing and publishing newspapers, and papers of a like nature, by persons not known, and for regulating the printing and publication of such papers in other respects, and also for restraining the abuses arising from the publication of blasphemous and seditious libels,' to enact other regulations in lieu thereof, and to

Post Office.

"regulate the transmission of newspapers by post," the said Law No. 9, 1863, entitled, "Law to amend Post Office Ordinance "No. 4, 1851," and the said Law No. 12, 1866, entitled, "Law to alter and amend Ordinance No. 4, 1851, entitled, 'Ordinance for 'regulating the conveyance and postage of letters,' " shall be and the same are hereby repealed.

Vide Law 9, 1863; and Law 12, 1866.

Post Offices and Officers.

2. It shall be lawful for the Lieutenant Governor from time to time to appoint one General Post Office, and so many branch Post Offices throughout the Colony as he may deem necessary, and from time to time to abolish any of such offices, and others in lieu thereof to appoint, as he may deem necessary.

Governor may establish post-offices.

3. The Lieutenant Governor shall appoint one Postmaster-General, and so many postmasters and inferior officers as shall be necessary for the purposes of this Law, and may appoint any letter-carriers for the purpose of the delivery of letters at private houses in any town or village of the Colony: Provided, that the Postmaster-General, and all Postmasters appointed under and by virtue of the provisions of the Ordinance No. 4, 1851, shall, on the taking effect of this Law, be, and they are hereby declared to be, respectively the Postmaster-General and Postmasters to be appointed under this Law, and all the powers, authorities, and obligations by this Law vested in and imposed upon the Postmaster-General and the Postmasters respectively, shall be applicable to them, and each of them, as if they had been appointed under the provisions of this Law.

Governor may appoint officers and letter-carriers.

Existing postmasters to be postmasters under this Law. Vide Ord. 4, 1851.

Conveyance of Letters.

4. The Postmaster General may, in his own name, with the approval of the Lieutenant Governor, enter into any contract in writing for the conveyance of mails within or from the Colony; and may, in like manner, sue or be sued thereon or in relation thereto; and shall also employ such number of mail-carriers as may be deemed necessary for the conveyance of mails throughout the Colony; and may also forward mails by any other mode of conveyance that he may deem best.

Postmaster General may enter into and sue and be sued in reference to contracts for conveyance of mails.

Conveyance by Private Vessels.

5. Every master, or other officer in charge of any vessel or ship trading between or sailing from any of the ports of this Colony, shall receive on board, and, if required, shall give a written receipt in duplicate if necessary, for any mail which shall be tendered to him for that purpose by any officer of, or belonging to the Post Office, or other person authorised in that behalf, and shall keep the said mail, so long as it shall be under his charge or in his possession, in some dry, safe, and secure place, and the same shall, whenever practicable, be entered upon the Custom House manifest.

Masters of private vessels must receive and give receipts for mails.

Must keep them safe, and enter on Customs' manifest.

6. Every master, or other officer in charge of any vessel or ship sailing from or leaving any port of this Colony, who shall receive on board any mail or mails for the purpose of being conveyed to any

Shipmasters to receive id. for each letter, and id. for each newspaper;

Post Office.

Except for conveyance to Great Britain, or under contract.

Such mails must have endorsed thereon a statement of the number of letters, &c.

Shipmasters arriving at the Colony must deliver their mails to postmaster.

Shipmasters from United Kingdom to receive 1d. for each letter.

Shipmasters to receive 1d. for each letter and 1d. for each newspaper not contained in a mail.

Governor may increase or diminish gratuities to masters of vessels.

Shipmasters refusing to receive or deliver mails liable to a penalty of not less than £10, or more than £100.

port beyond the seas, shall be entitled to demand, and shall receive from the Postmaster of such port, the sum of one penny, on delivery thereof to him, for each and every letter, and the sum of one farthing for each and every newspaper, contained in such mail or mails : Provided, however, that he shall not be entitled to demand or receive any remuneration for the conveyance of any letters or newspapers contained in any mail, for delivery at any port in the United Kingdom of Great Britain and Ireland : And provided, also, that no such payment shall be made to the master or other officer in charge of any vessel or ship employed in and about the conveyance of mails under any contract with the Imperial or Local Government.

7. Upon the outside of every mail, so tendered to the master or other officer in charge of any vessel or ship as aforesaid, there shall be written, or printed, or annexed, a statement subscribed by the Postmaster of the port, of the numbers of letters and newspapers, and other packets and enclosures, respectively contained therein ; which statement shall, so far as concerns such master or other officer as aforesaid, be deemed and taken as conclusive evidence of such numbers and contents of such mail.

8. Every mail or loose letter which shall be on board of any vessel arriving at any port within the Colony, shall, without delay, be delivered by the master thereof, or by his accredited agent or deputy, to the Postmaster of such port, or any person authorised by him to receive the same, who is hereby required to give a receipt for the same, and the master of such vessel shall not be allowed to enter at the Custom House until he shall have produced such receipt for the mail.

9. Every master, or other officer in charge of any vessel or ship arriving from any port of the United Kingdom of Great Britain and Ireland, and who has there received any mail or mails to be conveyed to this Colony, shall be entitled to demand, and shall receive from the Postmaster, or other officer, after delivery thereof to him, one penny for every letter contained in such mail or mails.

10. Every master, or other officer in charge of any vessel or ship arriving at any port of this Colony from ports beyond the seas, shall, after the expiration of twenty-four hours from the delivery to the Postmaster of such port of this Colony, or to any person authorised in that behalf, of any letter, newspaper, or packet, not included in any mail, be entitled to receive the sum of one penny for every such letter, and one farthing for every such newspaper or packet.

11. The Lieutenant Governor may, by any Proclamation, from time to time to be proclaimed by him, fix and alter, raise or reduce, as he may deem expedient, the rate of gratuity to be paid to masters of vessels conveying letters into or from any of the ports of this Colony.

12. Every master, or other officer in charge of any vessel or ship who shall refuse to receive any mail or loose letters tendered to him under this Law for conveyance to the port to which such vessel or ship is bound, or who, having arrived from any port, shall refuse, neglect, or delay to deliver any mail or loose letters, according to

Post Office.

the provisions of this Law, shall, for each and every such offence, forfeit and pay to Her Majesty, her heirs and successors, for the public use of the Colony, a penalty of not less than ten pounds, nor more than one hundred pounds sterling, to be adjudged as hereinafter mentioned.

13. All owners, charterers, or consignees of vessels arriving in the Colony, or owners, consignees, or shippers of goods, on board such vessels, shall receive through the Post Office, and not otherwise, their letters by such vessels free of postage, if the same be delivered at the port of arrival; and if the same be delivered at any other place within the Colony, then on payment of the postage payable on such letters considered as inland letters: Provided, first, that such letters brought by any one vessel, to any one such person as aforesaid, do not collectively exceed six ounces in weight; second, that the owners, charterers, consignees, or shippers, shall be described as such on the address and superscription; and third, that in the case of the owners, consignees, or shippers of goods, it appear by the ship's manifest that they have the goods on board.

Owners and consignees of vessels and goods to receive letters postage free.

Exception.

Provisos.

Inland Postage.

14. All letters which shall be posted in any town or place within this Colony, addressed to any town or place within the same, shall be charged with, and subject to, the rate of postage hereinafter set forth, that is to say—on every letter not exceeding half an ounce, one penny; on every letter exceeding half an ounce and not exceeding one ounce, two pence; and for every half an ounce in weight above one ounce, and every fraction thereof, there shall be charged an additional penny.

Rates of inland postage on letters.

15. All letters posted in, and addressed to, any place in this Colony, having a stamp or stamps, not having been used before, affixed thereon, or appearing on the outside thereof, and being of the value or amount equal to the rates of postage which such letters would be liable to under this Law, shall pass by the post free from postage or payment: Provided, that if in any case the stamps so affixed or appearing thereon are so soiled or worn as to render it doubtful whether they have been before used, the decision thereon of the Postmaster at whose office such letter is posted, as to whether such soiled or worn stamps are to be accepted, shall be final and conclusive between him and the person posting.

Letters bearing stamp of proper value on the outside to pass postage free.

If stamp soiled, postmaster to decide if stamp to be received.

16. No money shall be taken at any Post Office for the transmission of any letter, newspaper, book, or packet, but when prepaid they shall have stamps affixed, or appearing on the outside thereof, of the value and kind above mentioned.

Postage must be prepaid in stamps.

17. In all cases in which letters, books, or packets are posted in, and addressed to, any place in this Colony, without any stamps thereon, or bearing soiled or worn stamps, as in the preceding section mentioned, there shall be charged on such letters, books, and packets respectively, a postage of double the amount to which they would otherwise be liable.

Letters, &c., posted without stamps, or with soiled stamps, to be charged double.

18. In all cases in which any letters posted in and addressed to places within this Colony shall be posted, having thereon, or affixed

Letters posted with stamps under the legal

Post Office.

rates to be charged double the difference.

thereto, any stamp or stamps, the value or amount of which would be less than the rate of postage to which letters would be liable under this Law, there shall be charged thereon a postage equal to double the amount of the difference between the value of such stamp or stamps, and the rate of postage to which such letters would be liable.

Governor may send or receive letters postage free.

19. It shall be lawful for the Lieutenant Governor to send and receive any letters by post, free of Postage or payment.

Public officers who may frank letters.

20. The following classes of persons may send and receive any letters by post, free of postage, provided, that any letter so sent shall be, and purport to be, by writing or printing on the face thereof, "On Her Majesty's service," and shall bear on the face thereof the name of the person sending the same, in his own handwriting, namely :

The Officer commanding Her Majesty's Forces.
 The Chief Justice.
 The Colonial Secretary.
 The Colonial Treasurer.
 The Attorney General.
 The Secretary for Native Affairs.
 The Speaker of the Legislative Council.
 The two Puisne Judges.
 The Collector of Customs.
 The Surveyor General.
 The Auditor.
 The Colonial Engineer.
 The Postmaster General.
 The Registrar of Deeds.
 The Master of the Supreme Court.
 The Registrars of the Supreme and Circuit Courts.
 The Superintendent of Education.
 Resident Magistrates.
 Clerks of the Peace.
 The Postmaster, Durban.
 The Coolie Immigration Agent.
 The Clerk of the Legislative Council.
 Officers commanding Corps and Detachments of Her Majesty's Troops.
 The Senior Commissariat Officer.
 The Senior Officer of the Military Store and Barrack Department.
 The persons for the time being discharging the duties of any such offices ; and any heads or Secretaries of Public Offices whom the Lieutenant Governor, with the advice of his Executive Council, may from time to time, by notification in the *Government Gazette*, cause to be added to the above list.

Governor may add other heads of departments, &c., to the list.

Persons fraudulently removing or affixing stamps already used liable to a penalty of £10.

21. If any person shall fraudulently get off or remove, or cause to procure to be gotten off or removed, from any letter, cover, paper, or other substance or material, any postage stamp already used, or

Post Office.

if any person shall fraudulently use, join, fix, or place with or upon any letter or cover or any paper or other substance any postage stamp which has been already used, every person so offending in any of the several cases in this section, shall forfeit to Her Majesty, her heirs and successors, for the public uses of this Colony, for each and every such offence, a sum not exceeding Ten pounds sterling.

22. [Repealed by Law No. 12, 1871, § 1.]

23. For every letter re-directed, except by the Postmaster of the office, from any one Post Office to any other Post Office, and re-posted in accordance with such re-direction, there shall be charged for postage from the place at which the same shall be re-directed to the place of ultimate delivery (in addition to all other rates of postage payable thereon), such a rate of postage as the same would be liable to if duly prepaid to such person.

Re-directed letters liable to postage.

24. All post letters shall be posted, forwarded, conveyed, and delivered under and subject to all such orders, directions, regulations, and under and subject to all such conditions, limitations, and restrictions as to the form, size, dimensions, weight, enclosures, or otherwise as the Lieutenant Governor shall from time to time by proclamation direct or appoint.

Form, weight, &c., of letters may be determined by Governor.

25. It shall be lawful for every Postmaster to refuse to forward any letter, newspaper, book or pattern packet, or any packet containing any liquid or other substance, or any sharp-edged or other instrument or substance which might in his opinion cause, whether by breakage, leakage, compressure, or otherwise, any injury or damage to other letters or papers.

Postmaster may refuse to forward letters containing substances which may do injury.

26. For every letter not weighing more than half-an-ounce, sent by any non-commissioned officer or private soldier, seaman, or marine in Her Majesty's service there shall be only chargeable for its conveyance and delivery a postage of one penny and no more: Provided, that on every letter so sent there shall be written, in the handwriting of and signed by the commanding officer of the regiment, detachment, or ship to which such non-commissioned officer, soldier, seaman, or marine belongs, the words "soldier's," "seaman's," or "marine's letter," as the case may be, or words to that effect; and that every such letter be prepaid.

Letters sent by soldiers or seamen to be charged 1d.

Proviso.

Registration of Letters, &c.

27. Any letter or book packet or newspaper may be registered upon the application of the person posting the same, and a receipt demanded from the Postmaster of the office at which such letter, or book packet or newspaper is posted; and for each such registration there shall be payable a fee of sixpence, in addition to the usual postage: such payment to be made by affixing to the letter or book packet or newspaper proposed to be registered postage stamps to the value of sixpence: Provided, however, that it shall be lawful for the Postmaster General, with the sanction of the Lieutenant Governor, from time to time hereafter as occasion may arise, to require the payment of such lesser or other rate of registration fee

Letters, &c., may be registered on payment of a fee of 6d. in stamps.

Governor may alter registration fee on letters, &c., sent out of the Colony.

Post Office.

on any letter, book packet, or newspaper forwarded out of the Colony according to any special arrangements which may be made in that behalf with the Government of the United Kingdom of Great Britain and Ireland or of any foreign country.

Letters contain-
ing coin must be
registered;
Otherwise double
registration fee
may be charged.

28. Every letter containing coin posted in any office in this Colony shall be registered, and the registration fee paid on being so posted, in addition to the usual postage; and if the person posting or sending it, or causing it to be posted or sent, shall neglect so to do, such letter containing coin shall notwithstanding be registered by the Postmaster at whose office it may be posted or received, and shall be charged and chargeable on delivery thereof with a double registration fee in addition to the usual postage.

Foreign Postage.

Preamble.

Governor may
fix rates of post-
age and condi-
tions in respect
of letters, &c.,
sent out of or
received in the
Colony.

29. Whereas the rates of postage on letters, newspapers, and book packets, or packets of patterns from this Colony to the United Kingdom, the Cape of Good Hope, the Orange Free State and Transvaal Republics, to foreign countries direct and through the United Kingdom, are liable to be changed from time to time, in accordance with instructions from the Imperial Government or special arrangements made with each country, and cannot therefore be fixed by law, it shall be lawful for the Lieutenant Governor from time to time, by notice in the *Government Gazette*, to fix the rates of postage payable upon all letters, newspapers, books, and packets of patterns forwarded out of or received in the Colony by land or by sea; and in such notice to specify the terms, conditions, stipulations, and regulations under which such letters, newspapers, book packets, and packets of patterns, may be forwarded or received; and from time to time, as occasion may require, all such notices to alter, amend, cancel, or repeal, and all such notified or amended rates, regulations, and conditions, shall have the same force and effect as if embodied in this Law.

Money Orders.

Intercolonial
money orders
may be issued
for sums not
exceeding £25.

30. Money orders shall be issued at the General Post Office, Pietermaritzburg, and at the Post Offices at Durban and Ladysmith respectively, and at such other Post Offices in the Colony, and for sums, not exceeding Twenty-five pounds, and subject to such regulations, and payable in such manner, as the Lieutenant Governor shall from time to time appoint.

Rates payable on
money orders.

31. Such money orders shall be issued at the rate following, that is to say:

	s.	d.
For any sum not exceeding £1 there shall be paid...	0	3
For any sum exceeding £1, but not exceeding £2, there shall be paid	0	6
For any sum exceeding £2, but not exceeding £3, there shall be paid	0	9
For any sum exceeding £3, but not exceeding £5, there shall be paid	1	0

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	s.	d.
For any sum exceeding £5, but not exceeding £10, there shall be paid	1	6
For any sum exceeding £10, but not exceeding £15, there shall be paid	2	0
For any sum exceeding £15, but not exceeding £25, there shall be paid	2	6

32. It shall be lawful for the Lieutenant Governor to make arrangements for the issue of money orders upon the United Kingdom, and such other places for such sums and at such rates and under such regulations and restrictions as may from time to time be notified in the *Government Gazette*.

Governor may make arrangements for issue of extra colonial money orders.

33. It shall and may be lawful for the Postmaster General, with the sanction of the Lieutenant Governor, to make arrangements to allow any person or persons to have and keep private boxes and private bags in any of the said Post Offices, under such regulations and restrictions, and at and for such rates as may from time to time be fixed and appointed by the Lieutenant Governor and notified in the *Government Gazette*.

Postmaster General may allow private boxes, under conditions and at rates to be fixed by Governor.

Book and Pattern Post.

34. Book packets and packets containing patterns or samples of merchandise may be forwarded by post between any Post Offices in this Colony, and from this Colony to such other country, either by land or by sea, as the Lieutenant Governor shall from time to time declare and make known.

Book-packets and packets of patterns may be sent by post within the Colony, and to such other countries as Governor may notify.

35. It shall be lawful for the Lieutenant Governor, by proclamation to be issued for that purpose, to make such rules and regulations as shall be necessary for the transmission of book packets or packets of patterns either within or beyond the Colony, and to limit the weight and dimensions of every such packet, and to define what such packet may contain, and the mode of transmission, and the rates of postage payable thereon; and all such rules, regulations, and rates of postage from time to time to alter or amend as occasion may require. The Lieutenant Governor may also impose a penalty not exceeding Ten pounds for any wilful violation of the rules and regulations.

Governor may make regulations respecting transmission of book-packets and packets of patterns.

May impose penalty.

36. It shall at all times be lawful for the Postmaster of any Post Office to delay the transmission of books or packets of patterns from such office, until in his judgment the size, weight, and other circumstances of the mails by which such books or packets are to go shall admit of such books or packets being forwarded: Provided always, that as often as any number of books or patterns more than one shall be delayed at any Post Office in consequence of the state of the mails, such books or patterns shall be forwarded in the order of priority in which they were posted; unless there be something in the size or weight of any of them which would render this impracticable or obviously improper.

Postmasters may delay the transmission of book-packets and packets of patterns. Such packets to be forwarded according to priority of posting.

*Post Office.**General Regulations.*

Monthly list of undelivered letters to be published in *Gazette*, and put in post offices.

37. Every Postmaster shall, on the last day of every month, cause a list of the then remaining or undelivered letters to be made out in writing and forwarded to the Postmaster General, for publication in the *Government Gazette*; a copy of such list shall also be affixed on some conspicuous part of each Post Office, there to remain until new lists shall have been prepared and published; and all letters which shall remain unclaimed after a period of three months from the date of the first publication shall be transmitted to the Postmaster General.

Postmaster General may open unclaimed letters and re-address them, or destroy them if illegible, &c., after expiry of five years.

38. The Postmaster General shall have authority to open all letters posted in the Colony which may remain unclaimed or undelivered after six months from the date of first publication; and may, at his discretion, retain the same for a period not exceeding twelve months; and shall re-address them to the writers thereof; and, in the event of the writers' absence from the Colony, or their not being found, or the signatures to such letters being illegible, they may be destroyed after the expiration of five years.

The postages on returned and unclaimed letters to be paid by the sender.

39. The postage on every letter not prepaid which shall be returned as unclaimed from any other country, or which shall be refused, or addressed to any person who is dead or cannot be found, or who has left the Colony, shall be paid by the writer or sender thereof; and all such letters may be opened by the Postmaster General at any time, for the purpose of ascertaining who the writer or sender is.

Unclaimed newspapers and books may be sold after expiry of twelve months.

40. Newspapers liable to postage which are unpaid or insufficiently prepaid, and all newspapers or book packets which, from any cause whatever, shall remain unclaimed or undelivered for a period of twelve months may be sold, and the proceeds thereof accounted for to the Colonial Treasury.

Postmaster General may return letters in some cases.

41. The Postmaster General may return to the country whence it was received any letter addressed to any person who is dead or has left the Colony or who has refused to receive it; also any letters which, twelve months after the date of first publication shall still remain unclaimed or undelivered.

Postmaster General may open returned and unclaimed letters.

42. It shall be lawful for the Postmaster General to open all letters which shall have been returned to this Colony from any other country as unclaimed, for the purpose of returning them to the writers; and in the event of the writers thereof being unknown or dead or having left the Colony, or not claiming them within twelve months from the date of first publication of such unclaimed letters, they may be destroyed: Provided always, that the Postmaster General shall at the end of each month publish also a list of the unpaid or insufficiently prepaid letters addressed to any foreign country, which, by reason of such insufficient payment cannot be forwarded out of the Colony; and if, at the expiration of three months from the date of such first publication, the deficient postage shall not have been paid, it shall be lawful for the Postmaster General to open such letters, and return them to the writers thereof.

Monthly lists of unpaid and insufficiently-stamped letters.

Postmaster General may return such letters at expiry of three months.

Post Office.

43. It shall be lawful for the Lieutenant Governor to pay to the Imperial Government out of the revenues of the Colony, such proportion of the postage received in this Colony upon all letters, newspapers, book packets, or samples and patterns forwarded to the United Kingdom or through the United Kingdom to any foreign country, either by mail packet or by private ship, or conveyed to their place of destination by any mail packet subsidized by the Imperial Government as shall from time to time be demanded or mutually agreed upon.

Governor may repay to Imperial Government proportion of postage received here on letters addressed to United Kingdom.

44. Every person who shall knowingly enclose or cause or procure to be enclosed in a newspaper, to be sent by the post or under the cover thereof, any letter or paper or thing (except such newspaper), and every person who shall knowingly either send or cause to be sent by the post a newspaper in which any letter or paper or thing shall be enclosed as aforesaid, shall, for every such offence forfeit a sum not exceeding Ten pounds; and such newspaper, together with such of its enclosures as are not prohibited to be forwarded by post, shall be forwarded as an ordinary unpaid letter, and all prohibited enclosures shall be forfeited.

Penalty for defrauding the revenue by enclosures in newspapers.

45. Whereas post-letters may sometimes by mistake be delivered to a wrong person, and post letters and post letter-bags may be lost in the course of the conveyance or delivery thereof, and be detained by the finders in expectation of gain or reward: Be it enacted, that every person who shall fraudulently retain or who shall wilfully secrete or keep or detain, or being required to deliver up by an officer of the Post Office shall neglect or refuse to deliver up a post letter which ought to have been received by any other person; or a post letter bag or a post letter which shall have been lost, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting or refusing to deliver up the same, or by any other person shall be guilty of the crime of contravening this section of the present Law, and upon conviction thereof shall suffer such punishment by fine not exceeding Fifty pounds, or imprisonment not exceeding twelve months, or by both, as to the Court shall seem meet.

Preamble.

Penalties for fraudulently retaining or secreting letters or mail bags.

Penalties and Mode of Enforcement.

46. Every Postmaster, and every inferior officer or mail-carrier, employed in the Post Office Department, or in any way under the authority of this Law, and the driver of any vehicle employed in the conveyance of any mail, who shall, whilst on duty, or so employed, be guilty of any of the following offences, shall forfeit and pay, for every offence, a penalty not exceeding ten pounds, viz. :

Penalties on persons employed in post office department for offences in connection with their office.

- 1st. Drunkenness, carelessness, negligence, or other misconduct, whereby the safety of any mail may be endangered.

Post Office.

2nd. Receiving, conveying, or delivering any letter, otherwise than in the ordinary course of post.

3rd. Wilfully mis-spending his time, so as to retard the progress or arrival of any mail.

Ditto.

47. Every Postmaster, and every inferior officer in the Post Office Department, and every mail carrier or other person employed in the conveyance of any mail, who shall be guilty of any of the following offences, shall, for every such offence, forfeit and pay a penalty not exceeding fifty pounds ; and shall also, if to the Court it shall seem meet, suffer imprisonment for any term not exceeding one year, viz. :

1st. Opening, or causing or permitting to be opened, any post letter or mail, without due authority.

2nd. Wilfully detaining or secreting, or causing or permitting to be detained or secreted, any post letter.

*Penalties on
other persons.*

48. Every person who shall be guilty of any of the following offences shall, for every such offence, forfeit and pay any sum not exceeding fifty pounds ; and shall also, if to the Court it shall seem meet, suffer imprisonment for any term not exceeding one year, viz. :

1st. Opening any mail, or taking or removing any letter therefrom, without due authority.

2nd. Wilfully detaining or opening any letter not addressed to him, whether such letter shall be delivered to him by mistake, or shall be found by him, or by any other person, or shall, by any other means, come into his hands.

3rd. Wilfully impeding, detaining, or stopping, any mail-carrier, postman, or bearer of any post letters, or Government dispatches.

*Penalties for
sending by post
explosive or
dangerous
substances.*

49. If any person shall post or cause to be posted, or send or cause to be sent, or tender, or deliver, in order to be sent by the post, any letter or newspaper, or book-packet, or packet of patterns or samples, containing any explosive or other dangerous material or substance, such person shall be liable for every offence to a penalty not exceeding ten pounds, or in default of payment, to imprisonment for a period not exceeding three months, with or without hard labour ; and any such letter, or newspaper, or book-packet may be destroyed.

*This Law not to
exempt from
other penalties.*

50. Nothing contained herein shall operate so as to exempt any person from such other punishment as he may, by law, be liable to, in addition to the punishments herein mentioned.

Post Office.

51. Every offence against any of the provisions of this Law, or against any regulations made under the authority thereof, shall be prosecuted in the Court of the Resident Magistrate within whose jurisdiction such offence has been committed.

Offences to be prosecuted before Resident Magistrate.

52. All penalties and forfeitures recovered under this Law, shall belong to Her Majesty, her heirs and successors, and, unless remitted, shall be applied to the uses of the Government of this Colony.

Application of penalties.

53. Every person adjudged to pay any penalty under this Law, or under any regulations made under the authority thereof, in default of payment of the penalty so inflicted within the period which the Magistrate at the time of conviction may appoint, may be imprisoned for any period not exceeding three months, unless he shall sooner pay such penalty.

Three months' imprisonment may be awarded on non-payment of penalties.

54. All penalties and forfeitures incurred under this Law shall be sued for within one year next after the penalty or forfeiture shall have been incurred, and not afterwards.

Penalties must be sued for within one year.

55. In respect of any matters arising under this Law, the Postmaster General may sue and be sued by that title; and in all indictments and complaints, the property in any post-letter, money or other matter or thing under the charge of the Post Office Department, may be laid as vested in the Postmaster General.

Postmaster General may sue and be sued under that title.

Miscellaneous Provisions.

56. All weights mentioned or referred to in this Law shall be deemed to be taken to mean the Imperial standard weights, avoirdupois, of Great Britain.

Meaning of "weights."

57. In the construction of this Law, the term "mail" shall mean any one of the bags, boxes, or packages whereof any mail shall consist; and the term "master of a vessel" shall mean any person in charge of a vessel, whether as commander, mate, or other person, and whether the vessel be a ship of war or other vessel; and the term "inland letter" shall mean any letter transmitted, or to be transmitted, between any places within the Colony.

Interpretation clause.

"Mail."

"Master of a vessel."

"Inland letter."

58. This Law may be cited for all purposes as the "Post Office Consolidation Law, 1867," and shall take effect from one month after its promulgation in the *Government Gazette* of this Colony.

Short title.

Commencement of Law.

Given at Government House, this 4th day of October, 1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Military Deserters.

LAW No. 12, 1867.

(Signed) ROBT. W. KEATE.

*Law to repeal the Ordinance No. 2, 1847, entitled, " Ordinance
 " for facilitating the Apprehension, and regulating the Mode
 " of Conveyance of Deserters from Her Majesty's Land Forces
 " within the District of Natal, to their respective Corps, and
 " for the more Prompt Payment of Rewards and Expenses
 " consequent thereupon," and to make other more suitable pro-
 visions in lieu thereof.*

Preamble.

WHEREAS, by reason of various legislative enactments of the United Kingdom of Great Britain and Ireland, commonly called Mutiny Acts, it is deemed expedient to repeal the said Ordinance No. 2, 1847, and to re-enact the provisions thereof with amendments :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Ordinance 2,
1847, repealed.

1. The Ordinance No. 2, 1847, entitled, " Ordinance for
 " facilitating the Apprehension, and regulating the Mode of Con-
 " veyance of Deserters from Her Majesty's Land Forces within the
 " District of Natal, to their respective Corps, and for the more
 " Prompt Payment of Rewards and Expenses consequent there-
 " upon," shall be, and the same is hereby repealed.

Any constable,
soldier, or other
person may
apprehend a sus-
pected deserter ;

2. Upon reasonable cause of suspicion that a person is a deserter from any of Her Majesty's land forces, it shall be lawful for any constable, or, if no constable can be immediately met with, for any officer or soldier in Her Majesty's service, or other person, to apprehend, or cause to be apprehended, such suspected person, and forthwith to bring him, or cause him to be brought, before any Resident Magistrate or Justice of the Peace, living in or near the place where he was so apprehended, and acting for the county or division wherein such place is situate, or for the county or division adjoining such first-mentioned county or division, and such Magistrate or Justice is hereby authorised and required to inquire whether such suspected person is a deserter, and from time to time to defer the said inquiry, and to remand the said suspected person in the manner prescribed by the Laws of this Colony in preliminary examinations of persons accused of crimes ; and if it shall appear to the satisfaction of such Magistrate or Justice, by the testimony of one or more witnesses, taken upon oath, or by the confession of such suspected person, confirmed by some corroborative evidence, upon oath, or by the knowledge of such Magistrate or Justice, that such suspected person is a deserter from any of Her Majesty's land forces, such Magistrate or Justice shall forthwith cause him to be conveyed to some public prison, if the regiment or corps to which he is sus-

And take him
before Resi-
dent Magistrate
or Justice of
the Peace.Magistrate or
Justice may
commit deserter

Military Deserters.

pected to belong shall not be in the Colony ; or, if the regiment or corps be in the Colony, the Resident Magistrate or Justice may deliver him into custody at the nearest military post, if within reasonable distance, although the regiment or corps to which such person is suspected to belong may not be stationed at such military post : and such Magistrate or Justice shall in every case transmit to the General or other officer commanding in this Colony a descriptive return in the form prescribed in the schedule to this Law annexed, to the end that such person may in due course, and with all reasonable speed, be removed by order of such officer and proceeded against according to law ; and such descriptive return, purporting to be duly made and subscribed in accordance with the law, shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts and matters therein stated ; and such Magistrate or Justice shall also send to such General or other officer commanding in this Colony, a report stating the names of the persons by whom, or by or through whose means, the deserter was apprehended and secured ; and the said officer shall, after having taken the directions of the Secretary of State for the War Department, thereupon transmit to such Magistrate or Justice an order for the payment to such persons of such sum, if any, not exceeding forty shillings, as the said Secretary of War shall be satisfied they are entitled to according to the true intent and meaning of the Mutiny Act in force for the time being ; and for such information, commitment, and report as aforesaid, the clerk of any Magistrate or Justice shall be entitled to a fee of two shillings, and no more, for his own use ; and any medical practitioner who, in the absence of a military medical officer, may have been required to examine such suspected person, and shall thereupon be required to give a certificate of such examination, shall be entitled to a fee of two shillings and sixpence.

3. Every gaoler or keeper of any public prison into whose custody any person charged with desertion is committed, shall immediately upon the receipt of the person so charged, give an order on the Treasury of the Colony for such fee of two shillings to such Magistrate's clerk, and also, on the production of a receipt from the medical practitioner who, in the absence of a military medical officer, may have been required to examine such suspected person, give in each such case an order on the Treasury for such fee of two shillings and sixpence.

4. Every gaoler or keeper of any public prison, gaol, or other public place of confinement, within this Colony, is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any soldier, or other person, conveying such deserter, before a Magistrate or Justice of the Peace, or otherwise for removal under lawful authority, upon production of the warrant of the Magistrate or Justice, on which such deserter shall have been taken, or some order from the general officer, or other officer commanding in the Colony, which order shall continue in force until such deserter shall have arrived at his destination ; and every such gaoler or keeper shall be entitled to be paid one shilling for the safe

to prison, or send him to nearest military post ;

And shall transmit return to officer commanding in Colony ;

Such officer to transmit to Magistrate the reward for the apprehension, on instructions from Secretary at War.

And fee to clerk and medical practitioner.

Gaoler to give order on Treasury for fee to Magistrate's clerk and medical practitioner.

Gaolers to receive deserters delivered to them under warrant of Magistrate, or order from Commandant.

Gaoler to receive subsistence money, &c, for deserters.

Military Deserters.

custody of the said deserter, while halted on the march, and to such subsistence for his maintenance as shall be directed by Her Majesty's regulations, to be certified and paid in like manner. All sums which the gaoler is entitled to receive under this section shall be paid by the Colonial Treasurer.

Colonial Treasurer to notify to Secretary of State payments made by Treasury.

5. The Colonial Treasurer is hereby required to notify the fact of all such payments to the Secretary of State for the War Department, and transmit a copy of each commitment, to the end that the said Secretary of State may order the repayment of all the sums paid by the Colonial Treasury under this Law.

Magistrate to investigate whether the apprehension was made by collusion.

6. It shall be the duty of every Magistrate or Justice of the Peace, before whom any suspected deserter shall be brought, to investigate the circumstances attending such apprehension, in order to ascertain whether or not there is reason to suspect the existence of collusion between such deserter and the person by whom, or by or through whose means, he shall have been apprehended; or whether or not such apprehension has been made in good faith, estimated from the length of time which may have elapsed since the date of such desertion, or from such deserter's not being fit for military duty, or from any other cause; and such Magistrate or Justice shall briefly set forth such circumstances in the return to be made by him as aforesaid.

Persons aiding, &c., a soldier to desert, or concealing, &c., a deserter, liable to six months' imprisonment.

7. Any person who shall in this Colony by any means whatsoever, directly or indirectly, procure any soldier to desert, or attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or knowing any soldier to be a deserter shall conceal such deserter, or aid or assist such deserter in concealing himself, or aid or assist in his rescue, shall be deemed guilty of a contravention of this Law, and shall, on conviction thereof before any Resident Magistrate of the County or Division where any such offender shall at any time happen to be, be liable to be imprisoned, with or without hard labour, for such term not exceeding six calendar months, as the said Magistrate shall think fit.

Commencement of Law.

8. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Military Deserters.

SCHEDULE.

Schedule.

No.

Description Return of _____, who was apprehended (or surrendered himself, as the case may be) on the _____ day of _____, and was committed to confinement at _____, on the _____ day of _____, as a deserter from (insert regiment or corps).

Age	
Height	Feet Inches.
Complexion.. .. .	
Hair	
Eyes	
Marks	
Probable date of enlistment, and where ..	
Probable date of desertion, and from what place.	
Name and Occupation and Address of the Person by whom, or through whose means, the deserter was apprehended and secured.	
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner and upon what grounds.	

* It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up; and the details should be inserted by the Magistrate or Justice in his own handwriting, or under his direction by his Clerk.

I do hereby certify that the prisoner has been duly examined before me as to the circumstances herein stated; and that he has declared in my presence that he^a a deserter from the above-mentioned corps.

I certify that I have inspected the prisoner, and consider him^a for military service.

Signature and Address of the Magistrate or Justice.

Signature of the Military Medical Officer, or of †Private Medical Practitioner.

Signature of the Prisoner.

^a Insert "fit" or "unfit," as the case may be; and, if unfit, state the cause of unfitness.

Signature of Informant.

† No fee will be allowed to a private medical practitioner where a military medical officer is stationed, unless it shall be shown that his services were not available.

^a Insert "is" or "is not," as the case may be.

Given at Government House, this 4th day of October, 1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Small Debts.

LAW No. 13, 1867.

Law for regulating the Capture of Fish within the Bay or Harbour of Port Natal.

Repealed by Law No. 8, 1868, § 1.

LAW No. 14, 1867.

(Signed) ROBT. W. KEATE.

*Law to facilitate the Recovery of Small Debts and Demands within the Colony of Natal.***Preamble.**Vide Law 6,
1868, and Law 9,
1869, § 5.

WHEREAS it is expedient to facilitate the recovery of small debts and other demands within the Colony of Natal, and for such purpose to empower the Resident Magistrates thereof to order and decree the incarceration of defaulting debtors in certain cases, and to make special provisions in relation to the same:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Resident
Magistrate may
order payment of
civil debts by
instalments.
Vide Law 9,
1869, § 1.

Security for
payment to be
given, unless
waived.

Execution may
issue for entire
sum unpaid on
default in pay-
ment of any
instalment.

Defendant may
be summoned
and examined
respecting his
estate and effects,
the circum-

1. That any Resident Magistrate, in any civil suit in which he has jurisdiction, may make orders or decrees, concerning the time or times, and by what instalments any debt, or damages, or costs, or any balances thereof, for which judgment shall have been obtained, or may be obtained, against any defendant, shall be paid: Provided, that in all cases in which the Resident Magistrate shall make such order, security shall be given by the defendant, to the satisfaction of such Resident Magistrate, for the ultimate payment of the amount of the judgments and costs, unless the plaintiff shall consent to such order being given without security.

2. If any Resident Magistrate shall have made any order or decree for the payment of any sum of money by instalments, execution upon such order shall not issue against the party until after default in payment of some instalment according to such order, and execution or successive executions may then issue for the whole of the said sum of money and costs unpaid, or for such portion thereof as the Resident Magistrate shall order, either at the time of making the original order, or at any subsequent time.

3. It shall be lawful for any plaintiff who has obtained any unsatisfied judgment order in any Court of any Resident Magistrate, for the payment of any debt or damages or costs, to obtain a summons from such Court, such summons to be served personally, if

Small Debts.

possible, upon the person to whom it is directed, or if not so served, then in such way as the said Court may direct, requiring him to appear at such time as shall be directed in said summons, to answer such things as are named in such summons; and if he shall appear in pursuance of such summons he may be examined upon oath touching his estate and effects, and the manner and circumstances under which he contracted the debt, or incurred the damages or liability which is the subject of the action in which judgment has been obtained against him, and as to the means and expectation he then had, and as to the property and means he still hath, of discharging said debt, or damages, or liability; and as to the disposal he may have made of any property within the twelve months last past, reckoned from the date of such summons, and after the contracting such debt, and the person obtaining such summons as aforesaid, and all other witnesses whom the Resident Magistrate shall think requisite, may be examined upon oath touching the enquiries authorised to be made as aforesaid, and the costs of such summons, and of all proceedings thereon, shall be deemed costs in the said action.

stances under which the debt was contracted, &c.

Vide Law 9, 1869, § 4.

And as to disposals he may make of property.

4. If the party so summoned shall not attend as required by such summons, or shall not prove sufficient cause for not attending, or shall, if attending, refuse to be sworn or to disclose any of the things aforesaid, or if he shall not make answer touching the same to the satisfaction of such Resident Magistrate, or if it shall appear to such Resident Magistrate, either by the examination of the party, or by any other evidence, that such party, if a defendant, in incurring the debt or liability, which is the subject of the action in which judgment has been obtained, has obtained credit from the plaintiff under false pretences, or by means of fraud or breach of trust, or has wilfully contracted such debt or liability without having had at the same time a reasonable expectation of being able to pay or discharge the same, or if he shall have made, or caused to be made, any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same with intent to defraud such creditor, or any of his creditors, it shall be lawful for such Resident Magistrate, if he shall think fit, to order that any such party may be committed to the common gaol of the county, district, or place in which the party so summoned is resident, for any period not exceeding forty days.

If defendant should not appear or answer or debt fraudulently contracted, &c.;

Vide Law 9, 1869, § 1.

Or property fraudulently transferred or concealed, imprisonment not exceeding forty days may be awarded.

5. No imprisonment under this Law shall in anywise operate as a satisfaction or extinguishment of the debt or other cause of action on which a judgment has been obtained, or protect the party so indebted under any such judgment or execution from being anew summoned and imprisoned for any new fraud, or other default rendering him liable to be imprisoned under this Law, or deprive the party or other applicant of any right to take out execution against the goods and chattels of the defendant or other respondent, in the same manner as if such imprisonment had not taken place.

Imprisonment not to operate as a satisfaction of the debt, or prevent execution against property.

6. The Messenger of the Court executing any process of execution against the moveable property of any person, shall, by virtue thereof, seize and take any of the moveable property of, or in the

Messenger may attach all moveable property (except neces-

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series to the value of £5), money, securities for money, &c.;

Except goods *bond fide* sold by or to or hired to defendant.

Magistrate may authorise seizure of moveable property and securities for money transferred to wife, children, or relatives.

Messenger to hold securities for money.

Plaintiff may sue on them.

Judgments obtained in any Court, and writs of execution to remain effectual, without revival, for five years.

Vide Law 6, 1868, §§ 2 and 3.

Vide Law 6, 1868, § 1.

possession, order, or disposition of the defendant, or whereof he was the reputed owner (excepting the wearing apparel and bedding of such person or his family, and the tools and implements of his trade, to the value of five pounds sterling, which shall, to that extent, be protected from such seizure), and may also seize and take any money, or bank notes, or any cheques, bills of exchange, promissory notes, bonds, and other securities for money, belonging to any such person, against whom any such execution shall have issued as aforesaid: Provided that nothing herein contained shall invalidate any transfer or sale *bond fide* made to any person having no knowledge of any such suit or action having been instituted; and provided that a Resident Magistrate may, upon satisfactory proof upon oath, release from attachment or seizure property *bond fide* sold by, lent to, or hired by any such defendant.

7. If any person against whom any judgment, decree, or order in any Resident Magistrate's Court shall have been obtained, shall, being at the time indebted to a greater amount than that he has means to pay, have conveyed, assigned, or transferred any moveable property to his wife or children, or any of his relatives, or have delivered or made over to any such person any bonds, notes, or securities for money, the said Resident Magistrate shall have power to order the same to be seized or attached and sold, and every such sale shall be valid against such defendant, his wife, children, or any such relatives, or any other person claiming through said defendant.

8. Such Messenger shall hold any such cheques, bills of exchange, promissory notes, bonds, and other securities for money, which shall have been so seized or taken as aforesaid, as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff suing out such execution, and the plaintiff may sue in the name of any person in whose name the defendant might have sued for the recovery of the sum or sums secured or made payable thereby, when the time of payment thereof, under this Law, shall have arrived.

9. It shall not be necessary in any suit or civil proceeding in any Resident Magistrate's Court, whether for the purposes of this Law or otherwise, to revive any judgment, sentence, decree, or order, of any such Court, notwithstanding the same may have been made or given for a longer period than one year, previous to any execution being issued thereon; nor shall it be necessary to revive, by any issue of a further writ, any execution that may be issued or granted under this Law, although the same may have been granted and issued for a longer period than one year; but each such judgment, sentence, decree, and order, and each such execution, shall, notwithstanding the lapse of such period, be of full force and virtue, without revival, for any period not exceeding five years. [Provided always, that the parties to the action in which judgment was obtained are alive at the time when the writ of execution is issued.]

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10. In all cases where a writ or process of execution shall have been issued against the moveable property of any party, or an order for his commitment shall have been made, and such party or his moveable property shall be out of the jurisdiction of the Court, it shall be lawful for the Clerk of the Court to send such writ or process of execution, or of commitment, to the Clerk of any other Court, within the jurisdiction of which such party or his moveable property shall then be, or be believed to be, with a warrant thereto annexed under his hand, requiring execution of the same; and the Clerk of the Court to which the same shall be sent, shall also sign the same, and issue the same to the Messenger of his Court, and thereupon such last-mentioned Messenger shall be authorised and required to act in all respects as if the original writ, or process of execution, or commitment, had been directed to him by the Court of which he is Messenger, and shall, within such time as shall be specified by the rules of practice, return to the Clerk of the Court from which the same originally issued, what he shall have done in the execution of such writ or process; and in case a levy shall have been made, shall, within such time as shall be specified by the rules of practice, pay over all moneys received in pursuance of the writ or process, to the Clerk from which the same shall have been originally issued, retaining the fees for execution of the process; and where any order of commitment shall have been made, and the person apprehended, he shall be forthwith conveyed, in custody of the officer apprehending him, to the gaol or prison of the Court within the jurisdiction of which he shall have been apprehended, and kept therein for the time mentioned in the writ or process of commitment, unless sooner discharged under the provisions of this Law, and all constables and other peace officers shall be aiding and assisting within their respective counties or divisions, in the execution of such writ or process.

Process of execution and warrants of commitment may be carried into effect in any county if endorsed by Clerk of Magistrate's Court there.

11. The Lieutenant Governor may make such regulations and rules as may be deemed necessary for carrying out the purposes of this Law, and touching and concerning the persons entitled to appear and act as agents in cases under the Law, and the fees and charges to be allowed to such agents, and the fees and charges to be taken by the officers of the said Courts for cases coming under the provisions of this Law.

Governor to make regulations for purposes of this Law as to persons who may act as agents, and fees.

12. Nothing in this Law shall prevent any person from being liable under any other Law, or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Law, so that no person be punished twice for the same offence.

Persons punishable under this Law may be punished under other Laws if liable thereto, but not doubly punished.

13. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette* of this Colony.

Commencement of Law.

Given at Government House, this 4th day of October, 1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Mineral Leases Law.

LAW No. 15, 1867.

(Signed) ROBT. W. KEATE.

Law to enable certain Trustees to grant Leases of Mines and Minerals lying and being in and under Lands held in Trust for Natives.

Preamble.

WHEREAS, certain lands in this Colony have been granted to and are held by the "Natal Native Trust" and other Corporations and persons respectively in trust for the Natives of the Colony, and it is desirable to enable such "Natal Native Trust," and such other trustees, to grant leases for the opening and working of mines lying and being in and under the lands so held by them in trust, when authorised by the Lieutenant Governor:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Natal Native Trust and other trustees holding lands for natives may grant leases of mines and minerals.

1. It shall be lawful for the "Natal Native Trust," and for the trustees appointed or to be appointed hereafter by Her Majesty the Queen, her heirs and successors, and for trustees appointed or to be appointed by the Colonial Government who may at any time hold any lands in this Colony in trust for Natives, to grant from time to time to any person or company applying for the same, leases of mines and minerals lying and being in and under any portions of said trust lands, and of as much land as may be necessary and required for the proper opening and working of the same: Provided, however, that no such lease shall be made or granted without the special sanction and consent of the Lieutenant Governor, with the advice of his Executive Council, in each case first had and obtained.

Sanction of Governor required.

Leases to be subject to conditions approved by Governor.

2. Every such lease shall be granted for such term of years, and upon and subject to such terms and conditions, and under such restrictions as to payment of rent and royalty and for effectually working such mines, and such further and other conditions, covenants, and reservations usually contained in mining leases as may in every such lease be approved of and sanctioned by the Lieutenant Governor, with the advice of his Executive Council.

Short title.

3. This Law may be cited for all purposes as the "Mineral Leases Law, 1867."

Commencement of Law.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette* of this Colony.

Given at Government House, this 4th day of October, 1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Registration of Births, &c.

LAW No. 16, 1867.

(Signed) ROBT. W. KEATE.

Law for the Registration of Marriages, Births, and Deaths within the Colony of Natal.

WHEREAS, it is expedient to provide for the Registration of Marriages, Births, and Deaths within this Colony:

Preamble.

Be it therefore enacted by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall be lawful for the Lieutenant Governor to appoint one Registrar General, and so many Registrars of Births and Deaths under this Law as shall be necessary for the purposes thereof, and from time to time to remove any person so appointed.

Governor may appoint registrars of births and deaths.
Vide Law 12, 1872, § 24.

2. It shall be lawful for the Lieutenant Governor to appoint a fit person to be the deputy of any Registrar, to act in case of death, illness, or unavoidable absence; and every deputy shall during the time he shall so act, have all the powers and privileges and perform all the duties and be subject to all the responsibilities of the Registrar for whom he shall have been appointed deputy; and every such appointment, when made, shall be notified in the *Natal Government Gazette*.

Deputy registrars may be appointed.

3. Each County and Division of the Colony shall be a registration district: Provided always, that the Lieutenant Governor may at any time issue a proclamation dividing the Colony, or any portion of it, into other districts for the purposes of this Law, or altering the boundaries of districts as from time to time he may think requisite; and all births and deaths shall be registered in the district in which they respectively occur: Provided always, that it shall be lawful for the Registrars of any district to register any birth or death according to the provisions of this Law, if it shall be shown to his satisfaction that the person upon whom it is obligatory to give the information required herein could not, without considerable difficulty, delay, or expense, attend at the office of any of the Registrars of the district in which the birth or death has actually taken place.

Each county and division to be a registrar's district.

Governor may appoint new districts.

Births and deaths to be registered in the district where they occur.

Exception.

4. It shall be lawful for the Lieutenant Governor, with the advice of his Executive Council, from time to time to make, amend, and abolish rules and regulations, not being repugnant to the provisions of this Law, for the general management of the registry offices and the preparation and transmission of all returns required from Registrars.

Governor may make rules for management of registry offices.

5. Every Registrar shall in every case inform himself carefully of all the particulars required to be registered by him respecting births and deaths under this Law, or under any other Law for the time being in force; and shall, without fee or reward, except when otherwise specially provided by law, enter and register all such particulars according to the forms in Schedules B and C hereunto annexed in cases of births and deaths respectively, or as near thereto

Registrars shall inform themselves of the circumstances of births and deaths, and register without fee.

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as in the circumstances of each case may be applicable; and every such entry shall be made from page to page from the beginning to the end of the book; and every such book shall be paged consecutively.

Local registrars to make quarterly returns to Registrar General.

6. Every Registrar shall, in the months of January, April, July, and October in each year make and transmit to the Registrar General true copies, certified under his hand, of all entries of births and deaths made in the register books in his office during the three months next preceding; or a certificate under his hand that there have been no such entries, as the case may be.

When new-born child or dead body found, information must be given to registrar.

7. In case any new-born child or dead body shall be found exposed, a constable within the district shall forthwith inform the Registrar thereof, and of the place where such child or dead body was found; and where an investigation shall be made by any Resident Magistrate or Justice of the Peace respecting any dead body, such Resident Magistrate or Justice of the Peace shall notify the result of the same to a Registrar of the district, with all other particulars required to be registered concerning the death; and such Registrar shall make the entry into his register book accordingly; and the same shall be signed by the Resident Magistrate or Justice of the Peace by whom the information has been given.

Information of a birth or death to be given within thirty days, by parent, in case of a birth;

Or occupier of a house, in case of a death.

8. In each case of a child born within the Colony, the father, mother, or some person acting on behalf of the parent, and becoming responsible under the provisions and penalties of this Law for the truth of the particulars, shall within thirty days (inclusive of the day of the birth), and in case of the death of any person, the occupier of the house or tenement, or some person present at the death or in attendance during the last illness of any one dying in the Colony, or some person acting on behalf of the occupier of the house or place in which the death shall have occurred, and becoming responsible under the provisions and penalties of this Law for the truth of the particulars, shall within thirty days (inclusive of the day of the death), inform the Registrars of the particulars required to be registered concerning such birth or death.

Who considered occupiers.

9. For the purposes of this Law the master, matron, keeper, chief officer, or other person in actual charge of any gaol, prison, hospital, or public or private charitable institution respectively shall be deemed the occupier thereof.

Births may be registered within six months on solemn declaration of parent.

10. After the said period of thirty days following the birth of any child born in the Colony, it shall not be lawful for the Registrar to register such birth, unless the parent who was present at such birth shall make a solemn declaration, according to the best of his or her knowledge and belief, of the particulars required to be registered; and upon such declaration being made, it shall be lawful for the Registrar before whom such declaration is made to register the birth according to the information of the person making the same.

Birth of child, under age of eighteen months, not born in the Colony may be registered within six months after arrival.

11. In every case of the arrival in the Colony of a child under the age of eighteen months at the time of such arrival, born at sea or in any place out of the Colony, whose parents or other persons having the lawful charge of such child are about to take up their abode in the Colony, it shall be lawful for the Registrar at any time within six months next following the day of such child's arrival, on

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a solemn declaration by one of the parents or by a person having lawful charge as aforesaid of such child, of the particulars required to be registered, to register the birth of such child according to the provisions made for the registration of births taking place within the Colony; and the terms of thirty days and six months respectively shall be reckoned from the day of such child's arrival in the Colony, instead of from the day of birth.

12. It shall not be lawful for any Registrar to register the birth of any child after the expiration of six months following such birth, if in the Colony, or after the arrival therein of the child, if born at sea or out of the Colony, and no register, or certified copy of a register, of birth, made contrary to this provision shall be received in evidence to prove the birth of any child.

13. If any child whose birth shall have been registered without a christian or first name, shall, within twelve calendar months next after such registration, have any such name given to it, the person who shall have signed the original entry may cause the name so given to be added by the Registrar to such entry.

14. Every person by whom the information contained in any register of birth or death, under this Law, shall have been given, shall sign his name in the register, to which shall be added either by himself or by the Registrar in his presence, his description and place of abode; and no register of births or deaths, according to this Law, shall be given in evidence which shall not be signed by some person professing to be the informant of the Registrar.

15. Every Registrar, immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the person giving information, or to some relative of the deceased, or other person having charge of the funeral, a certificate under his hand, according to the form in Schedule D hereunto annexed, that such death has been duly registered; and such certificate shall be duly delivered by such undertaker or other person to the minister or officiating person, who shall be required to bury or perform any funeral or religious service for the burial; and if any dead body shall be buried, for which no certificate shall have been so delivered, the person who shall bury the same, or perform any funeral or religious service for the burial, or who shall in any other way dispose of the body, shall forthwith give notice of the facts to the Registrar.

16. Every person who shall bury, or perform any funeral or religious service for the burial of any dead body, for which no certificate shall have been duly made and delivered as aforesaid, either by a Registrar, or by the Resident Magistrate or Justice of the Peace making an investigation in reference to the dead body, and who shall not within two months give notice thereof to a Registrar of the district, shall be liable to forfeit and pay a sum not exceeding £10 for every such offence, to be recovered in a summary way.

17. Any person upon whose information any birth or death shall have been registered, who shall discover any error to have been committed in the form or substance of such entry, shall not be liable to any penalty on account thereof if, within three months next after

No birth to be registered after expiry of six months.

Christian names given to children after registration may be added to register within twelve months.

Person giving information must sign his name in register.

Otherwise register not receivable in evidence.

Registrars to give certificates of registration of deaths.

Any person performing burial service, &c., without such certificate being produced to him, must give information to registrar.

Any person not giving such information liable to penalty of £10.

Error in informations of births or deaths may be corrected within three months.

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the discovery of such error, he shall, in presence of the Registrar and one credible witness, who shall respectively attest the entry, truly correct the error by signing a new entry in the margin or in another part of the register book, to which a distinct reference shall be made by writing across the original entry, and adding the date of such correction, but in either case without alteration or obliteration of the original entry.

Registrars to allow searches, and give certified copies.

18. Every Registrar who shall have the keeping for the time being of any register book of marriages, births, or deaths, shall, during office hours every day, Sundays and public holidays excepted, allow searches in any register book in his keeping to be made, and, if called upon to do so, give a copy certified under his hand of the entry of any marriage, birth, or death, registered.

Books of Registrar General to be indexed, searches allowed, and certified copies given.

19. The Registrar General shall cause indexes of the certified copies transmitted to him by the Registrars according to the provisions of this Law, to be made and kept at his office, and permit any person demanding so to do to search any such index, and to have a copy, certified under the Registrar General's hand, of any entry of a marriage, birth, or death, duly returned and certified to him by any Registrar.

Ministers and marriage officers to make quarterly returns to Registrar General.
Vide Law 17, 1875, § 1.

20. Every minister or marriage officer solemnising any marriage under the provisions of Ordinance No. 17, 1846, shall, in terms of section six of this Law, transmit to the Registrar General a copy of the duplicate original register of every marriage solemnized by him. [And every minister or marriage officer who shall refuse or neglect to transmit the same as required by this Law, shall, on conviction before the Court of any Resident Magistrate, forfeit and pay any sum not exceeding Five pounds sterling.]

Certified copies of entries of marriages, births, and deaths to be received in evidence.

21. Certified copies of registers or entries made or given by the Registrar General or any Registrar, and purporting to be signed by such officers respectively, shall be received as *prima facie* evidence in any Court of Justice within the Colony, of the fact of the marriage, birth, or death, to which the same relates.

Persons refusing to give information required by this Law liable to penalty of £5.
Who bound to give information.

22. Every person who shall offend against this Law by refusing or neglecting to give any notice or information required by any of the foregoing sections, shall, for every such offence, forfeit a sum not exceeding Five pounds: Provided that in the case of a birth the father, or if he be dead or absent, or the child be illegitimate, the mother of the child, and in the case of a death, the occupier of the house in which such death shall have taken place, shall respectively be the persons liable to this penalty.

Registrars refusing to register a birth, or negligently losing or injuring register, &c., liable to penalty of £20.

23. Every Registrar who shall refuse, or, without reasonable cause, omit to register any birth of which he shall have had due notice and information as aforesaid, and every person having the custody of any register book or certified copy thereof, or of any part thereof, who shall negligently lose or injure the same, or negligently allow the same to be injured whilst in his keeping, shall forfeit and pay a sum not exceeding Twenty pounds for every such offence.

Persons wilfully making false statements for

24. Every person who shall wilfully make, or cause to be made, for the purpose of being inserted in any register book of marriages,

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births, or deaths, any false statement touching any of the particulars required to be known and registered under the provisions of this Law, shall be deemed guilty of the crime of falsity.

registration
guilty of falsity.

25. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any register book of marriages, births, or deaths, or any part, or certified copy of any part, thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such register book or certified copy thereof, or shall wilfully insert, or cause to be inserted, in any register book or certified copy thereof, any false entry of any marriage, birth, or death, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the signature, seal, or stamp, of the Registrar General, or of any District Registrar, or any impression thereof, shall be deemed guilty of a criminal offence, and be liable, on conviction, to imprisonment, with or without hard labour, for any term not exceeding three years: Provided always, that every person having the custody or care of any such register, who shall wilfully permit or allow any such offence as aforesaid to be committed, shall be liable to the same punishment.

Persons wilfully
injuring or
falsifying regis-
ters, giving false
certificates, &c.,
or allowing such
offences, liable to
imprisonment.

26. The officiating minister of every denomination of every district in the Colony, and every Registrar of any borough, shall within six months after the coming into operation of this Law, transmit to the Registrar General, under the provisions of this Law, a list of all registers of marriages, births, and deaths, which the said minister or his predecessors, or the Registrar of any borough, shall have registered or enrolled, before the coming into effect of this Law.

Ministers and
borough
registrars
to transmit
return lists of all
previous mar-
riages within six
months from
coming into
effect of this
Law.

27. Nothing herein contained shall apply to the registration of marriages, births, or deaths of natives, except of those natives to whom the provisions of Law No. 11, 1864, may apply.

This Law not to
apply to natives,
Exceptions.

28. Nothing herein contained shall affect or abrogate or repeal or interfere with the provisions of Ordinance No. 17, 1846, entitled, "Ordinance to amend the Law regarding Marriages within the District of Natal," or with the duties or obligations thereby imposed.

Ordinance No.
17, 1846, not
repealed.

29. This Law shall commence and take effect from and after the 1st day of January next, and may be cited for all purposes as the "Registration Law, 1867."

Commencement
of Law.
Short title.

Registration of Births, &c.

Schedules.

SCHEDULE A.

*Duplicate Original Register.*18 .—MARRIAGE SOLEMNIZED AT
COUNTY OF .—18 .

No.	When Married.	Names and Surnames.	Ages.	Condition.	Rank or Profession.	Residence at the time of Marriage.	After Banns or License.	Consent, by whom given, or Judge's order.

Married in the at aforesaid [*after banns*]
by me.

(*Signature and Description of Officiating Minister*).

This marriage was solemnized between us,

(*Signatures*).

In the presence of

Examined with the Original Register by me, and found to be
correct.

Registration of Births, &c.

SCHEDULE B.

18 .—BIRTHS IN THE DISTRICT OF

No.	When born, and where.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.	Name, if added after Registration of Birth.

SCHEDULE C.

18 .—DEATHS IN THE DISTRICT OF

No.	When died, and where.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.

Registration of Births, &c.—Speaker.

SCHEDULE D.

I, _____, Registrar of Births and Deaths
 in the District of _____, do hereby certify that the death
 of _____ was duly registered by me, on the
 _____ day of _____, 18 .

Witness my hand, this _____ day of _____ 18 .

Registrar.

Given at Government House, this 4th day of October,
 1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
 Colonial Secretary.

LAW No. 17, 1867.

*Law to declare and amend the Seventh Section of Law No. 20,
 1863, and the Eighth Section of Law No. 18, 1864; and to
 more effectually secure Coolie Wages.*

Repealed by Law No. 2, 1870, § 1.

LAW No. 18, 1867.

(Signed) ROBT. W. KEATE.

*Law to provide for the performance of certain Duties of the Speaker
 of the Legislative Council during his Temporary Absence from
 the Legislative Council.*

Preamble.

WHEREAS, the Legislative Council have provided by their
 Standing Orders for the temporary performance by a Deputy

Speaker.

Speaker, during the absence of the Speaker, of all acts required to be done by the Speaker: And whereas, certain matters concerning the office of Speaker are regulated by the Charter, and said Standing Orders of the Council, and the validity of acts done or proceedings taken during the absence of the Speaker may be questioned:

Be it enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. If at any time during the Session of the Legislative Council the Speaker shall be temporarily absent from the House, and a Deputy Speaker shall thereupon perform the duties and exercise the authority of Speaker, pursuant to the Standing Orders, or other Order or Resolution of the Legislative Council, every act done and proceeding taken in or by the Legislative Council, pursuant to the Charter of Natal, or any Ordinance or Law, or to the Standing Orders, shall be as valid and effectual as if the Speaker himself were in the Chair; and every act done, Bill, Law, Order, Minute, Certificate, Notice, or other document requiring the signature of the Speaker, signed, issued, or published in relation to any proceedings of the Legislative Council by such Deputy Speaker shall have the same validity as if the same had been done, issued, signed, or published by the Speaker for the time being.

If Speaker temporarily absent, acts done by Legislative Council and Deputy Speaker to be valid.

2. Every such act done and proceeding taken in or by the Legislative Council during the present Session thereof shall be, and is hereby declared to be as valid and effectual as if the Speaker himself had been in the Chair; and every such act done, Bill, Law, Order, Minute, Certificate, Notice, or other documents signed, issued, or published in relation to any proceedings of the Legislative Council by the Deputy Speaker during the present Session, shall have the same validity as if the same had been done, issued, signed, or published by the Speaker.

Acts done by Legislative Council and Deputy Speaker during present session declared to be valid.

3. This Law shall commence and take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 4th day of October, 1867.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Lunatics.

LAW No. 1, 1868.

(Signed) ROBT. W. KEATE.

Law to make Provision for the Safe Custody of Persons dangerously Insane, and for the Care and Custody of Persons of Unsound Mind.

Preamble.

WHEREAS it is expedient to make provision for the safe custody of, and the prevention of crimes being committed by, persons dangerously insane, and also for the care and maintenance of persons who are insane, but not dangerously so :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Resident Magistrates may commit dangerous lunatics to gaol or hospital on evidence by two medical practitioners.

1. If any person shall be discovered and apprehended under circumstances denoting derangement of mind, and a purpose of committing suicide, or having committed, or having any intention to commit any crime or offence, for which, if committed for trial, such person would be liable to be indicted, it shall be lawful for any Resident Magistrate, before whom such person may be brought, to call to his assistance any two medical practitioners (one of whom shall, if practicable, be the District Surgeon) ; and, if upon view and examination of the said person so apprehended, and upon proof upon oath by the two medical practitioners to the effect, that in their opinions such person is a dangerous lunatic, or a dangerous idiot, and, on any other proof, the said Magistrate shall be satisfied that such person is a dangerous lunatic, or a dangerous idiot, then it shall be lawful for such Magistrate, by warrant under his hand, to commit such person to some gaol or public hospital, within the said Colony, there to be kept in strict custody, until such person shall be discharged by order of one of the Judges of the Supreme Court, or shall be removed to some public lunatic asylum by order of the Lieutenant Governor for the time being, as hereinafter provided :
 Provided, every such person so detained in such gaol or public hospital, shall have the liberty and privilege of seeing his friends and legal advisers at all reasonable times.

Until discharged by order of Judge, or removed to asylum by order of Lieutenant Governor.

Provido as to access to friends and legal advisers.

Persons confined under such warrant or under criminal charges may be removed to lunatic asylum by order of Governor.

2. The Lieutenant Governor may direct, by warrant under the hand of the Colonial Secretary, that any person who may be detained in custody in any gaol or hospital, by virtue of any such warrant as aforesaid, or any person who may be in any prison or place of confinement under any sentence of death, transportation, or imprisonment, or under any warrant on default of surety to keep the peace, or to answer any criminal charge, or in consequence of any conviction, or order of any Resident Magistrate, or under any other than civil process of the Supreme or any Circuit Court, and in respect of whom it shall be certified by two medical practitioners that such person is insane, shall be removed to such public lunatic asylum as the Lieutenant Governor shall, from time to time, appoint ; and every such person so removed, shall remain under confinement in such asylum until it shall be duly certified to the

Lunatics.

Lieutenant Governor, by two medical practitioners, that such person has become of sound mind; whereupon, the Lieutenant Governor is hereby authorised and required, if such person shall remain subject to be continued in custody, to issue his warrant to the keeper or other person having care of any such asylum, directing that such person be remitted to the prison or other place of confinement from which he shall have been taken; or if the period of imprisonment or custody of such person shall have expired, or if such person shall not be under any sentence of imprisonment, that such person shall be discharged.

And remain there until it shall be certified to Governor by two medical practitioners that such person has become sane.

3. If it shall be certified to the Lieutenant Governor, by two medical practitioners, that any person committed for trial for any crime or offence is insane, or an idiot, the Lieutenant Governor may, by warrant under the hand of the Colonial Secretary, order that such person shall be removed to such lunatic asylum as he shall appoint (unless in the meantime admitted to bail by some legal authority), until the Criminal Sessions of the Supreme Court, or of any Circuit Court, at which such person shall be brought to trial, or indicted according to the due course of law, and that such person shall then be remitted to the custody of the keeper or governor of the gaol, or other person, in whose custody such person may have been, under the terms of the original committal, in order to his being indicted and tried for such crime or offence, or otherwise disposed of according to law: Provided every such person, while so detained in such lunatic asylum, shall have the same liberty and privilege of seeing his friends and legal advisers at all reasonable times, which he would have had in the gaol or other prison from which he may have been removed.

Persons committed for trial, and found to be insane may be removed to lunatic asylum by order of Governor,

Until trial.

Proviso as to access to friends, &c.

vide Ord. 18, 1846, § 43; and Law 16, 1861, § 4.

4. In all cases in which it shall be given in evidence upon the trial of any person charged with any crime or offence, that such person was insane at the time of the commission of such crime or offence, and such person shall be acquitted, the jury shall be required to find, specially, whether such person was insane at the time of committing such crime or offence, and to declare whether such person was acquitted by them on account of such insanity, and if they shall find that such person was insane at the time of committing such offence, the Court, before whom such trial shall be had, shall order such person to be kept in strict custody in such gaol or place of confinement, and in such manner as to the Court shall seem fit, until the pleasure of the Lieutenant Governor shall be known; and the Lieutenant Governor may thereupon give such order for the safe custody of such person, in such place and in such manner as to the Lieutenant Governor shall seem fit.

When a person is acquitted on ground of insanity, the jury must state this in verdict; and the Court shall order such person to be confined until the pleasure of the Governor be known.

Governor may order safe custody of such person.

5. If it shall appear to any two medical practitioners present at an examination of any person in custody that such person is not an insane person or a dangerous idiot, and that such person may be suffered to go at large with safety, it shall be lawful for such medical practitioners, and they are hereby required, to give a certificate to that effect, signed by them, to the keeper of the asylum or gaol in which such person shall be in custody; and such keeper is hereby required to transmit the same forthwith to the Lieutenant Governor,

Any two medical practitioners present at examination may certify that the person examined is not insane;

Lunatics.

And Governor may order his liberation.

On application of relatives or guardian, Governor may order any lunatic to be confined.

If lunatic has no relative or guardian easily accessible, any person under whose care he is shall be deemed a guardian.

Maintenance of lunatics confined may be defrayed from public revenue.

When lunatic has sufficient means, his maintenance shall be charged upon his estate.

Visitors for lunatic asylums may be appointed by Governor.

Asylums to be visited every day.

Supreme Court, or Judge thereof, may order discharge of any sane person confined as a lunatic.

who shall thereupon order the liberation of such person from custody, unless he shall be detained therein for some other cause by due process of law.

6. The Lieutenant Governor may, on the application of one or more of the relatives or guardians of any insane person (which application shall be sanctioned in writing by one of the Judges of the Supreme Court or by a Resident Magistrate); and on receiving the certificate of two medical practitioners that they have examined and found such person to be of unsound mind, order and direct, if he think proper so to do, that such person be received into and kept in custody in such lunatic asylum as he may from time to time appoint.

7. When it shall appear to the Judge or Resident Magistrate to whom any such application shall be presented that an insane person has no relative or guardian within the Colony, or none accessible without inconvenient delay, any person or society under whose protection or care such insane person shall actually be for the time being shall, for the purposes of the preceding section, be deemed the guardian of such insane person: and it shall be lawful for such Judge or Resident Magistrate to cause the applicant, and any other person in his discretion, to be examined as to the facts in every case, on oath; and any wilfully false answer by any such applicant or person thereupon given shall be deemed perjury, and punishable as such.

8. When any insane person shall be committed to any gaol or hospital as aforesaid for the purpose of being received into such lunatic asylum as the Lieutenant Governor may appoint, the removal to and from and the maintenance in such asylum of such insane person shall, until further provision be made therefor, be defrayed out of the Colonial revenues.

9. Provided, it shall be lawful for the keeper of any such asylum, in all cases where any lunatic or idiot shall be possessed of sufficient means to defray the expense of his maintenance in any such asylum, to agree with any relative, guardian, or friend of such lunatic or idiot for his maintenance whilst detained therein; and such relative, guardian, or friend shall be and is hereby empowered to reimburse himself all necessary sums expended in such maintenance out of any funds or property belonging to such lunatic or idiot; which funds or property are hereby made chargeable therewith.

10. The Lieutenant Governor may appoint some fit and proper person or persons, not exceeding five in number, to be the visitor or visitors of each lunatic asylum within the Colony; and may such visitor or visitors remove, and appoint another or others in his or their stead; and some one of such visitors shall be required to visit each such lunatic asylum at least once every day, unless prevented by illness or other sufficient cause; and shall from time to time make such reports to the Colonial Secretary as may be required by the order of the Lieutenant Governor.

11. If the Supreme Court, or any Judge thereof presiding at any Circuit Court or sitting in Chambers, shall receive any information upon oath, or otherwise shall have any reason or cause to suspect that any person of sound mind is confined within any lunatic

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asylum, such Court or Judge shall have full power and authority to cause the keeper of such asylum, by any warrant or order directed to such keeper, to bring such confined person before such Court or Judge for examination, at a time to be specified in such warrant or order, and if, upon the examination of such confined person, or of any medical or other witness, who may be called to testify as to the supposed sanity or insanity of such confined person, it shall appear to the satisfaction of such Court or Judge, that such confined person is of sound mind, it shall be thereupon lawful for such Court or Judge, upon the oath or affirmation of such witness, and such Court or Judge is hereby required to direct such confined person to be immediately discharged from the custody of the keeper of such asylum, unless he shall be confined therein for some other cause by due process of law.

12. If any application shall be made to the Lieutenant Governor by any relative or friend of any person still labouring under insanity, and in confinement by virtue of this Law, and such relative or friend shall be willing to undertake the charge of, and to support, such insane person, the Lieutenant Governor may, if he shall think fit, order the discharge of such insane person from such asylum: Provided no person who shall have been committed to such asylum as a dangerous lunatic, or dangerous idiot, shall be so discharged unless his friend or relative shall enter into recognizance for the peaceable behaviour of such dangerous lunatic or idiot before a Resident Magistrate, or one of the Judges of the Supreme Court: Provided, further, if it shall at any time be shown to the satisfaction of the Lieutenant Governor that any of the conditions of such recognizance shall have been broken, the Lieutenant Governor may issue a warrant directing that such dangerous lunatic or idiot shall be again confined in the asylum from which he shall have been so discharged, or such other place as to the Lieutenant Governor may seem fit.

On application of relative, Governor may order discharge of any lunatic.

Recognizance for good behaviour of dangerous lunatic must be given.

Provision for reconfinement of lunatic if recognizance broken.

13. No action shall lie against any person whatever, on account of any act, matter, or thing done or commanded by him, in carrying the provisions of this Law into effect, unless such action be commenced within three months after the cause of action or complaint shall have arisen; and if any person shall be sued on account of any act, matter, or thing, which he shall have so done, or commanded to be done, he may plead the general issue, and give the special matter in evidence.

Actions on account of things done under this Law must be raised within three months, &c.

14. All persons who may have subjected themselves to any penalty, action, or indictment, by promoting, ordering, or being in any way concerned in the care, charge, or custody of persons who may, before the time at which this Law shall take effect, have been committed to prison or put under confinement in any gaol or hospital by the authority of any Magistrate or other Judge, or of the Lieutenant Governor, as dangerous lunatics, or as having been charged with some crime or offence, shall be, and hereby are, indemnified, freed, and discharged from all penalties, actions, indictments, and liabilities which may have been incurred by reason of the confinement of such persons; and all such persons who at the

Persons concerned in confinement of lunatics previous to this Law are indemnified from liability.

Lunatics.—Wills and Codicils.

Lunatics previously confined subject to provisions of this Law.

Persons who may have confined lunatics on medical certificate previous to this Law indemnified.

Interpretation clause.

"Resident Magistrate." Vide Law 6, 1869.

"Medical Practitioner."

"Lunatic asylum."

Commencement of Law.

Short title.

date at which this Law shall take effect, shall be under such confinement, are hereby declared to be subject to the provisions of this Law, so far as the same may be applicable.

15. In all cases where any person shall, before the time at which this Law shall take effect, have been placed under restraint or confinement in any public hospital or place of confinement as insane, on the certificate or sworn testimony of a medical practitioner, given in good faith, no action or other prosecution shall lie against any person, on account of such restraint or confinement, although such confined person may have become of sound mind.

16. In this Law "Resident Magistrate" shall include the Assistant Resident Magistrate, and also associated Justices of the Peace, holding any branch court, under Law No. 6, 1859; "medical practitioner" shall mean any surgeon or physician, duly licensed to practice by virtue of any Law at any time in force in this Colony, or registered under the medical laws in force in the United Kingdom of Great Britain and Ireland, and also any medical officer of Her Majesty's land or sea forces, practising within this Colony; "lunatic asylum" shall include any hospital, or portion of any hospital, within the Colony, which may, from time to time, be appointed by the Lieutenant Governor for the custody of insane persons.

17. This Law shall take effect from the promulgation thereof in the *Government Gazette*; and may be cited as "The Custody of "Lunatics Law, 1868."

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE

Colonial Secretary.

LAW No. 2, 1868.

(Signed) ROBT. W. KEATE.

Law to regulate the Execution of Wills and Codicils.

Preamble.

WHEREAS, doubts have arisen as to the formalities requisite to be observed in the execution of Wills and Codicils in this Colony, and it is expedient to remove such doubts, and to declare the law in this respect:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Wills and Codicils.

1. For any will or codicil to be in respect of formalities duly executed, it shall be requisite and sufficient that it be in writing and executed in manner hereinafter mentioned, that is to say:—It shall be signed by the testator, or by some person in his presence and by his direction; and such signature shall be made, assented to, or acknowledged by the testator in the presence of two witnesses present at the same time; and such witnesses shall, in the presence of the testator, affix their signatures as nearly as conveniently may be, under, opposite to, or in line with the signature of or on behalf of the testator affixed to such will or codicil; but no form of attestation by such witnesses shall be requisite: Provided always, that nothing herein contained shall be deemed to prevent a mark being a signing for the purposes hereof: Provided also, that no writing in any will or codicil, or on the paper, or the like of the same respectively, shall be deemed signed within the meaning hereof, unless and so far as appearing on such paper or the like to precede in order of sequence of place or paper the signature.

Requisites of execution of wills or codicils.

2. No will or codicil shall, so far as any devise or legacy in it depends for its efficacy upon any other instrument in writing, be a valid will or codicil, unless it shall be executed as provided in the first section of this Law: and such form of execution shall, so far as respects execution and attestation, be sufficient, notwithstanding that such other instrument may have directed any additional or other form or solemnity in either such behalf.

Requisites of execution of will or codicil depending upon some other document.

3. Any person being in actual military service, or being in Africa but not in this Colony, on a journey, or a trading, exploring, or hunting expedition or the like, or any marine or seaman being at sea, may dispose of his property in a testamentary way, or may execute an effectual will or codicil in the same manner as he might have done if this Law had not been passed: Provided always, that the section four of this Law shall apply to any such will, codicil, or testamentary act.

Military and other like testaments exempted from operation of this Law.

4. The naming a general or any heir, or there being a publication, or any act or presence of a notary, shall not be requisite to the validity of any will or codicil.

Except section 4.

Naming of an heir or presence of notary, not requisite.

5. No will or codicil executed according to the provisions of this Law shall be invalidated by reason of any witness thereto being at any time incompetent to be admitted as a witness in respect of the execution thereof.

Incompetency of witnesses not to invalidate will.

6. No will or codicil shall be valid unless the testator shall, at time of execution or re-execution thereof, have attained the age of Twenty-one years, or have otherwise become entitled to the privileges of majority by emancipation from paternal power by *venia aetatis* or otherwise.

Testator must have attained twenty-one years or otherwise obtained the privileges of majority.

7. If in any will or codicil there shall be given or directed any benefit to either or both of the witnesses thereto, or their spouses, such benefit shall be utterly null and void; and such witness shall not be thereby rendered incompetent to give evidence in respect of such will or codicil: Provided always, that the being appointed trustee, executor, guardian, curator, or the like, or the receipt of the

Any benefit given to a witness shall be void.

Wills and Codicils.

Remuneration as trustee, &c., not considered a benefit under this Law.

Wills revoked by marriage.

Exception.

How wills may be revoked.

Effect of obliterations, alterations, &c.

Any words not legible deemed never to have been in the will.

How revoked wills may be revived.

Effect of revival.

The validity of wills executed prior to this Law, or of wills executed before a notary, not affected.

Commencement of Law.

usual remuneration as such, or the payment of a legal debt or demand, shall not be deemed a benefit within the meaning of this section.

8. Every will or codicil shall be tacitly revoked by the subsequent marriage of the testator, unless such will or codicil shall expressly refer to such then future marriage, in manner showing an intention that such will or codicil shall not be thereby revoked; and save in so far as such will or codicil shall dispose of property which would not, if such testator should die intestate, go to the wife or husband or issue of such marriage: provided, no joint will shall be revoked by the marriage of the surviving spouse.

9. No will or codicil shall be revoked in any part thereof (save as herein specially provided), except by a subsequent will or codicil validly executed and intended so to revoke, or by any writing which if it purported to be a will or codicil would be validly executed under this Law as a will or codicil, and which shall declare an intention to revoke; or by the burning, tearing, or otherwise destroying the will or codicil by the testator, or by some person in his presence and by his direction, with the intention of revocation.

10. No obliteration, interlineation, or other alteration made in any will or codicil after the execution thereof shall be valid unless such will or codicil be thereafter re-executed, or unless the obliteration, interlineation, or other alteration be expressly referred to in a memorandum on or annexed to such will or codicil, and such memorandum be duly executed as a will or codicil: Provided always, that if the part of the will or codicil obliterated shall not, in whole or in part, be legible, then so much thereof as shall not be legible shall be deemed not to have been at any time in the will or codicil.

11. Any will or codicil which has been revoked in whole or in part shall not, as to the revoked portion, be revived otherwise than by subsequent due execution of such will or codicil, or by a will, codicil, or any writing duly executed under this Law, showing an intention so to revive; and when any will or codicil, having been partially revoked, shall be subsequently in other part or wholly revoked, and then shall be revived, such revival shall extend to do away with only the then last preceding revocation, unless and so far as a different intention shall be by such revival shown.

12. Nothing in this Law contained shall in anywise affect the validity of any will or codicil executed prior to the date of this Law coming into operation, or executed before a Notary Public.

13. This Law shall commence and take effect from and after the First day of January, 1869.

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Treasonable Offences.

LAW No. 8, 1868.

(Signed) ROBT. W. KEATE.

Law to assimilate the Law of this Colony to the Law of the United Kingdom in relation to Treasonable Offences.

WHEREAS, it is expedient to assimilate the Law of this Colony to the Law of the United Kingdom of Great Britain and Ireland in relation to treasonable offences, and with such object to re-enact in this Colony certain provisions of the Imperial Act 11 & 12 Victoria, c. 12, entitled, "An Act for the Better Security of the " Crown and Government of the United Kingdom :"

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. If any person whatsoever, after the time at which this Law shall take effect shall, within this Colony, compass, imagine, invent, devise, or intend to deprive or depose Our Most Gracious Lady the Queen, her heirs or successors, from the style, honour, or royal name of the Imperial Crown of the United Kingdom, or of any other of Her Majesty's dominions and countries, or to levy war against Her Majesty, her heirs or successors [* * * *], in order by force or constraint to compel her or them to change her or their measures or counsels ; or in order to put any force or constraint upon or in order to intimidate or overawe both Houses or either House of the Imperial Parliament ; or to move or stir any foreigner or stranger with force to invade the United Kingdom, or any other Her Majesty's dominions, or countries under the obeisance of Her Majesty, her heirs or successors ; and such compassings, imaginations, inventions, devices, or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, or by open and advised speaking, or by any overt act and deed, every person so offending shall be guilty of an offence under this Law declared to be felony ; and being convicted thereof shall be liable, at the discretion of the Supreme or the Circuit Court to be imprisoned for the term of his natural life, or for any less term, with or without hard labour, as the said Court shall direct.

2. No person shall be prosecuted for any offence declared to be felony by this Law in respect of such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised speaking only, unless information of such compassings, imaginations, inventions, devices, and intentions, and of the words by which the same were expressed, uttered, or declared shall be given upon oath to one or more Justices of the Peace or a Resident Magistrate within six days after such words shall have been spoken ; and unless a warrant for the apprehension of the person by whom such words shall have been spoken shall be issued within ten days next after such infor-

samble.
Vide 11 & 12
Vict., cap. 12.

Any person compassing, imagining, &c., to deprive Her Majesty of her royal name, of imperial crown, to levy war, stir up a foreign power to invade Her Majesty's dominions, &c., guilty of felony, if such compassings, &c., are expressed in writing or verbally, or by some overt act.
Vide Law 4, 1869, § 1.

Punishment.
Information of such words must be laid before a Justice of the Peace or Resident Magistrate within six days ;

And warrant of apprehension issued within ten days from date of information.

Treasonable Offences.

How the words spoken must be proved.

Any number of acts may be charged in one indictment.

This Law not to diminish the force of the law of High Treason.

Although the facts amount to High Treason, the accused may be convicted under this Law, but not tried twice upon the same facts.

Accessories before the fact and principals in the second degree punished as principals in the first degree.

Accessories after the fact liable to two years' imprisonment.

Accused not entitled to be admitted to bail without consent of Attorney General or warrant of Supreme Court. Mode of trial.

Commencement of Law.

mation shall have been given as aforesaid: and no person shall be convicted of any such compassings, imaginations, inventions, devices, or intentions as aforesaid, in so far as the same are expressed, uttered, or declared by open and advised speaking as aforesaid, except upon his own confession in open Court, or unless the words so spoken shall be proved by two credible witnesses.

3. In any indictment for any offence made felony by this Law, any number of the matters, acts, or deeds by which such compassings, imaginations, inventions, devices, or intentions, or any of them, shall have been expressed, uttered, or declared may be charged against the offender.

4. Provided, nothing herein contained shall lessen the force of or in any manner affect the Law of this Colony in regard to the crime of High Treason, or *Crimen perduellionis*.

5. If the facts or matters alleged in any indictment for any offence by virtue of this Law made felony shall amount in law to High Treason or *Crimen perduellionis*, such indictment shall not by reason thereof be deemed void, erroneous, or defective; and if the facts or matters proved on the trial of any person indicted for any offence made felony by this Law shall amount in law to High Treason or *Crimen perduellionis*, such person shall not by reason thereof be entitled to be acquitted of such offence: but no person tried for any such offence shall be afterwards prosecuted for High Treason or *Crimen perduellionis* upon the same facts.

6. In every case of an offence made felony and punishable under this Law, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as a principal in the first degree is by law punishable; and every accessory after the fact to any offence made felony by this Law, shall, on conviction, be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

7. No person committed for trial for any offence made felony by this Law shall be entitled to insist on liberation on bail, unless with the consent of the Attorney General or by warrant of the Supreme Court or of any Judge in Chambers or of any Circuit Court; but the trial of any such person so committed shall be proceeded with and concluded in like manner and within such time as trials for other criminal offences under the Law of this Colony.

8. This Law shall take effect from the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Registration and Probate of Wills.

LAW No. 4, 1868.

Law to repeal and re-enact, with Amendments, the Ordinance No. 1, 1855, entitled, "Ordinance to more effectually Check and Punish the Stealing of Cattle," and to make Provision to more effectually Check and Punish the Crimes of wrongfully and unlawfully Killing, Stabbing, or Wounding Cattle committed by Natives.

Repealed by Law No. 10, 1876, § 1.

LAW No. 5, 1868.

(Signed) ROBT. W. KEATE.

Law to provide for the Registration and Probate of Wills in the Colony of Natal. Vide Law 18, 1869, § 7.

WHEREAS it has been deemed expedient to make provision for the registration and probate of wills in this Colony: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. From and after the 1st day of January, 1869, it shall be necessary, before any will or codicil can be acted upon in this Colony, that the same be registered in the office of the Registrar of Deeds of Natal, after having been duly proved in manner hereinafter provided.

After 1st January, 1869, wills shall not be acted upon until registered.

Vide Law 13, 1869, §§ 1, 2.

2. In order that any will or codicil shall be capable of registration under this Law the due and proper execution thereof and the death of the testator shall (save as hereinafter otherwise specially provided) be proved or shown before the Registrar of Deeds of the Colony, or before any Resident Magistrate of any County or Division in the Colony in which any part of the property whereto such will or codicil shall relate may at the death of the testator have been; and when such proof for registry shall be before any Magistrate, such Magistrate shall transmit by post to the Registrar of Deeds a certificate of such proof in the form provided in Schedule A to this Law, or as near thereto as may be, together with the original will to which such proof relates: Provided, however, that the Magistrate before forwarding such original will to the Registrar of Deeds shall cause a copy thereof to be taken, such copy, after being by such Magistrate carefully compared with the original will and certified, to be kept among the records of his office.

Proof of execution of will and death of testator must be made before Registrar of Deeds or Resident Magistrate.

When before Magistrate, original will and copy of proof shall be transmitted to Registrar of Deeds.

Copy of will to be kept in Magistrate's office.

3. Such proof of execution shall be by the witnesses to such will, or either of them: Provided always, that if such witnesses shall appear to be dead or of unsound mind, or absent from the Colony,

Proof of execution of will by witnesses;

Registration and Probate of Wills.

- or otherwise incapacitated, their evidence may be dispensed with :
 And, provided further, that in the case of any will or codicil purporting to have been duly executed before, and attested by, any notary public, the signature and seal of such notary public shall, unless proof to the contrary be adduced, be deemed sufficient proof of the due execution of such will or codicil : Provided also, that any testator having, together with his witnesses, executed and attested his will in the presence of a Resident Magistrate or Justice of the Peace, may require such Resident Magistrate or Justice of the Peace to inscribe a certificate on said will, that the said will was duly executed in his presence, and such certificate shall be deemed sufficient proof of the due execution of said will, for the purpose of registration under this Law. [Provided also, that if there be to any will or codicil an attestation clause substantially in the form in Schedule D hereto, and there be nothing on the face of the will or codicil appearing in conflict with the contents of such clause, then the due execution of such will or codicil for the purposes of the said Law No. 5, 1868, may be proved by the person or persons proceeding therefor deposing that he or they believe, from not having any knowledge, information, or suspicion to the contrary, that the said will or codicil was executed and attested in manner in the attestation clause thereto stated.]
4. Such proof of the testator's death may be by any person or persons capable of giving evidence in ordinary cases.
5. Any evidence for proof as hereinbefore and hereinafter referred to may be oral or by written affidavit, and shall be on oath or declaration, or the like, as in ordinary cases, and any person shall be liable to prosecution and punishment for perjury in respect of such evidence, in like manner as if the same had been given in an action duly instituted to establish such proof.
6. If any witness to any will shall, when called upon for proof of execution as aforesaid, not remember, or shall doubt or deny the due execution, or if any difficulty or question should arise or any objection be raised by or on behalf of any person interested as to the due execution or validity of any will submitted to the Registrar of Deeds or any Magistrate for proof, such proof for registry shall be given before the Supreme Court of the Colony by any person or persons who can depose thereto, the evidence given by such first-mentioned witness, or such witness himself, being produced before the Supreme Court, or the absence thereof respectively explained, and the Supreme Court shall thereupon decide upon such question or objection, and as to the sufficiency of such proof for registry, or shall make an order declaring the will proved, and stating if and as appearing from the evidence the time and place of the death of the testator ; or shall make such other order as to the admission of such will to registry as to such Court shall seem fit.
7. Upon the production to and filing with the Registrar of Deeds of a certified copy of order of said Supreme Court as aforesaid, declaring any will proved, the Registrar of Deeds shall register such will in the same manner as if proof had been made before such Registrar of Deeds himself, or any Magistrate as aforesaid.
- By signature and seal of Notary ;
- By certificate of Justice of the Peace or Resident Magistrate.
- Will containing attestation clause as in Schedule D hereto may be proved by deposition of person proceeding therefor.
- Vide Law 18, 1869, § 2.
- Proof of testator's death.
- Evidence to be given on oral or written affidavit or declaration.
- In cases of difficulty, proof of execution shall be given before Supreme Court.
- Court may order will to be registered.
- Registrar of Deeds shall register will in accordance with order of Supreme Court.

Registration and Probate of Wills.

8. The Registrar of Deeds, when any will shall have been proved before him under this Law, or transmitted to him with an order of Court authorising its registry, as in the last section mentioned, or forwarded to him by any Resident Magistrate with a certificate of probate, as in section two of this Law provided, shall register such will as a proved will, and shall grant to the executor or person proving the same a certified copy of such will, with a certificate of proof and registry in the form provided in Schedule B to this Law, or as near thereto as may be.

Certified copy of will and certificate of probate to be given by Registrar of Deeds.

9. Any certified copy of will issued by the Registrar of Deeds with a certificate of probate and registry, as in the preceding section of this Law referred to, shall, unless and until and save so far as such will or copy shall have been by a competent Court duly declared invalid, be evidence for any purposes of law of such will and of its contents, and of the same having been duly executed by, and being the valid will of, the person purporting to be the testator, and of the fact and period of the death of such testator, and of the fact and date of the registry of such will, and unless and until and save as aforesaid it shall not be competent to any person to contest such evidence in any proceeding wherein such certified copy shall be produced.

Certified copy and certificate of probate shall be evidence of the will, its due execution, and the death of the testator, until set aside.

Vide Law 13, 1869, § 4.

10. For the purpose of evidence under this Law persons may be subpoenaed or summoned as witnesses, in like manner and under like conditions, and subject to the like liabilities, as in any proceeding in any Court in this Colony: Provided always, that no such subpoena or summons shall be binding at further limits than it would be if issued by the like authority in ordinary proceedings; but the Registrar of Deeds or any Magistrate may take out a summons from the Supreme or any Circuit Court to require the attendance of any person as a witness for the purposes of this Law.

How witnesses are to be subpoenaed.

11. Proceedings to have any will proved and registered under this Law shall be by the executor testamentary or dative of the testator, or by any person interested in or under the will, or by any guardian appointed by the will, or where any such person may be a minor or of unsound mind, or absent from the Colony, by any tutor, guardian, curator, or agent of such person, or, if there be no such persons respectively in the Colony capable of acting, by the Master of the Supreme Court: Provided always, that the Master of the Supreme Court may in any case take such proceedings when so ordered by the Supreme Court.

Proceedings to have a will registered may be taken by executor, or other person interested in any will.

Or by Master of Supreme Court.

12. Any person interested may apply, on due notice, to the Supreme Court to have the registration or probate of any will in whole or in part stayed or cancelled; and such Court shall make such order thereon as justice shall appear to require.

Any person interested may apply to Supreme Court to have probate of will stayed or cancelled.

13. When the will or codicil of any deceased person not domiciled in this Colony, but having property therein, shall have been duly proved out of this Colony, and probate thereof granted by a proper Court, an exemplified copy of the probate so granted shall for the purposes of this Law, be deemed a proved will, and may be registered without further proof as a will or codicil under this Law.

Exemplified copy of probate of will proved abroad may be registered in this Colony.

Registration and Probate of Wills.

Any person may lodge with Registrar of Deeds a sealed-up will ;

To be kept until death of testator, or until re-demanded.

Registrar of Deeds may demand charges according to Schedule C. Vide Law 18, 1869, § 7.

Commencement of Law.

14. From and after the First day of January, 1869, it shall and may be lawful for any person to lodge with the Registrar of Deeds, enclosed under a sealed cover, any will or codicil executed by him, and the Registrar of Deeds shall keep or cause to be kept a register of the names and descriptions of the persons lodging every such deed, and of the date of lodging the same ; and every such will or codicil shall be kept under the charge and custody of the said Registrar of Deeds unopened, until the death of the maker thereof, unless re-delivery of the same shall be demanded by the said maker, or in his lifetime by his lawful attorney, specially authorised for that purpose by any deed duly executed by the said maker ; and when any such will or codicil shall be delivered in manner aforesaid, the maker or his attorney, as the case may be, shall sign a receipt for the same in the margin of the aforesaid register, opposite to the entry of such will or codicil.

15. The Registrar of Deeds shall be, and he is hereby authorised and required to charge, and to demand, receive, retain, or recover, in respect of the acts, matters, and things done, or caused to be done by him, or in his office, under and by virtue of the provisions of this Law, all such fees as are specified in the tariff contained in the Schedule C hereunto annexed, and shall account for and pay over the same in like manner, as is by Law provided, in respect of any other fees received or retained by him as Registrar of Deeds.

16. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Schedules.

SCHEDULE A.

Form of Magistrate's Certificate of Probate to be transmitted to Registrar of Deeds.

It is hereby certified that the annexed document was this day duly proved before me as the last will and testament of A. B., of who died at

day of on the 18 .

Given under my hand this day of 18 .

(Signed) C. D.,

Resident Magistrate for the County (or Division) of

Registration and Probate of Wills.

SCHEDULE B.

Form of Registrar of Deeds' Certificate to Probate and Registry of Will.

It is hereby certified that the above writing is a true copy in every respect of the will and codicils (*or, as the case may be*) of A. B., of who died at day of 18 (*according to the apparent result of the testimony, or to the terms of the order or certificate transmitted with the will*), and that the said will and codicils (*or, as the case may be*) were registered on the day of 18 , in this office as a proved will.

Given under my hand this day of , 18 ,
at the office of the Registrar of Deeds of Natal, in the
City of Pietermaritzburg, Natal.

(Signed) E. F.,

Registrar of Deeds of the Colony of Natal.

[SCHEDULE C.

*Vide Law 18,
1868, §§ 7, 8.*

Tariff of Fees to be taken by the Registrar of Deeds and the several Resident Magistrates under Law No. 5, 1868, and this Law.

	£	s.	d.
On proof before any Resident Magistrate: for each will or codicil... ..	0	2	6
On proof before, or registration with, the Registrar of Deeds of any will or codicil not proved as last above mentioned: for each such will or codicil	0	2	6
On any search in the Registrar of Deeds' office in respect of any will or codicil registered or lodged there under the Law No. 5, 1868: for each will or codicil searched for	0	1	0
On any grant of any certified copy under the said Law: for the first 100 words or fractional part thereof	0	2	0
For every further 100 words and last fractional part thereof	0	0	6
For each certificate to probate or registry	0	5	0

The foregoing fees shall not supersede any required by the Law No. 18, 1868.] *Vide Law 18, 1868.*

Registration and Probate of Wills.—Small Debts.

Vide Law 13,
1909, § 3.

[SCHEDULE D.]

Attestation Clause.

Signed (*or acknowledged to be signed*) by A. B., the testator of this will (*or signed with the name of A. B., the testator of this will, in his presence, and by his direction by C. D.*) in the presence of us, then present both together, and affixing our signatures hereto as witnesses to the said will, in the presence of the said testator.

E. F.
G. H.]

Given at Government House, this 16th day of September,
1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 6, 1868.

(Signed) ROBT. W. KEATE.

Law to amend the Law No. 14, 1867, entitled, "Law to facilitate the Recovery of Small Debts and Demands within the Colony of Natal."

Preamble.

WHEREAS it is expedient to amend the said Law No. 14, 1867 :
Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Words deemed
to be inserted in
Law 14, 1867, § 9.

1. The following words shall be deemed to be inserted at the conclusion of section nine of said Law No. 14, 1867 :—

" Provided always that the parties to the action in which
" judgment was obtained are alive at the time when the
" writ of execution is issued."

Judgments
obtained under
Law 14, 1867,
may (when
necessary) be
revived by
process of revival
or by suggestion
entered on the
record.

2. In all cases where it shall become necessary to revive a judgment obtained under Law No. 14, 1867, by reason either of the lapse of such period of five years, or of a change by death or otherwise, the parties entitled or liable to execution may either sue out a writ of revival of the judgment, according to the present practice of the Courts of Resident Magistrates, or apply to the Court for leave to enter a suggestion upon the record book, to the effect that it

Small Debts.

manifestly appears to the Court that such party is entitled to have execution of the judgment, and to issue execution thereupon; such leave to be granted by the Court upon a rule to show cause, or a summons to be served, according to the present practice of Resident Magistrates' Courts, or in such other manner as such Court may direct, and such rule may be in the form contained in Schedule A to this Law annexed, or to the like effect.

3. Upon such application, in case it manifestly appears that the party making the same is entitled to execution, the Court shall allow such suggestions as aforesaid to be entered in the form contained in the Schedule B to this Law annexed, or to the like effect, and execution to issue thereupon, and shall order, whether or not the costs of such application shall be paid to the party making the same; and in case it does not manifestly appear, the Judge shall discharge the rule or dismiss the summons, with or without costs: Provided, nevertheless, in the last-mentioned case, the party making such application shall be entitled to proceed by a summons of revival, or by an appeal to the Supreme Court, or Circuit Court, in ordinary form.

The Court may allow such suggestion to be entered, and execution to issue;

Or discharge the rule.

4. This Law shall take effect from the promulgation thereof in the *Government Gazette*.

Commencement of Law.

SCHEDULE A.

Schedules.

(*Formal part as in Summons in use in Magistrate's Court.*)

To show cause why A. B. (*or, as the case may be*) should not be at liberty to enter a suggestion upon the record book in an action wherein the said A. B. was plaintiff, and the said C. D. defendant, and wherein the said A. B. obtained judgment for £ against the said C. D. on the day of ; that it manifestly appears to the Court that the said A. B. is entitled to have execution of the said judgment, and to issue execution thereupon, and why the said C. D. should not pay to the said A. B. the costs of this application, to be taxed.

NOTE.—*The above form may be modified so as to meet the case of an application by or against the representative of a party to the judgment.*

SCHEDULE B.

And now, on the day of , it is suggested and manifestly appears to the Court that the said A. B. (*or C. D. as executor of the last will and testament of the said A. B. deceased, as the case may be*) is entitled to have execution of the

Small Debts.—Government Savings Bank.

judgment aforesaid against the said E. F. (or against G. H. as executor of the last will and testament of the said E. F. as the case may be) ought to have execution of the said judgment against the said E. F. (or against G. H. as such executor as aforesaid, as the case may be).

Given at Government House, this 14th day of September 1868.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW NO. 7, 1868.

(Signed) ROBT. W. KEATE.

Law to afford Facilities for Depositing Small Savings at Interest, with the Security of the Government for due Repayment.

Preamble.

WHEREAS it is expedient to afford facilities for the deposit of small savings and to give the direct security of the Colonial Revenue to every depositor for repayment of all moneys deposited, together with the interest due thereon:

Be it therefore enacted by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

The Colonial Treasurer and such Resident Magistrates and officers as may be appointed may receive deposits from any person.

1. The Colonial Treasurer and such Resident Magistrates or other officers as the Lieutenant Governor may appoint, shall receive deposits at their respective offices from any friendly, benevolent, or charitable society, tradesmen, mechanics, servants, labourers, children, natives, and other persons, at their discretion, and may reject or refuse to receive deposits in all cases in which they shall think fit so to do.

Deposits may be received from any persons as trustees for minor, lunatic, &c.

2. The Colonial Treasurer and such other officer as may be appointed to receive deposits may receive such deposits from any person who may declare himself willing to act as trustee on account of any other person disabled by idiocy, lunacy, or unsoundness of mind or minority, and allow interest and make payments as in the case of ordinary depositors, and the receipt of such person so acting as trustee shall be a sufficient discharge.

Deposits not to be under 5s. or more than £10 at one time.

3. Such deposit shall in no case be less than Five shillings nor more than Ten pounds at any one time.

Government Savings Bank.

4. The Colonial Treasurer and every officer appointed to receive deposits shall keep a depositor's book, and shall deliver to every depositor a savings bank pass book, and shall at the time of the receipt of any deposit enter in the depositors' book and in the said pass book the amount of each deposit, and attest said entry in every pass book.

Depositors' book to be kept and savings banks pass-books issued.

5. Every deposit received by any officer appointed for that purpose shall, upon the day of such receipt, be reported by such officer to the Colonial Treasurer, who shall enter the same in a depositors' book to be opened by him on account of each officer appointed to receive such deposits.

Officers receiving deposits to report to Colonial Treasurer.

6. All moneys so received by way of deposit shall be received and paid into the Colonial Treasury in the same manner as moneys received on behalf of the Government.

Deposits to be paid into Treasury.

7. If at any time the moneys received under this Law shall be insufficient to meet the lawful claims of depositors, the Lieutenant Governor may, with the advice of his Executive Council, upon being informed thereof by the Colonial Treasurer, authorise by warrant the issue of the amount of such deficiency out of the revenue of the Colony.

Deficiency in deposits to be made good from Colonial revenue.

8. The interest payable to the parties making such deposits shall be at the rate of four per centum per annum, but such interest shall not be calculated on any sum less than One pound, and shall not commence until the first day of the calendar month next following the day of deposit, and provided that no depositor shall be entitled to receive interest on any larger sum than One hundred pounds, and provided also that no depositor shall be entitled to receive interest on any sum deposited for less than four months.

Interest on deposits at rate of four per cent.

In what cases claimable.

9. Interest on every deposit shall be calculated to the 31st December in every year, and shall be added to and become part of the principal money which may be then standing in the depositors' books to the credit of such depositor, and shall bear interest subject to the provisions of this Law and interest shall be allowed to him upon the total sum so long as the same shall remain deposited, subject to the provisions herein contained in reference to notices of withdrawal of deposits.

Interest to be calculated to 31st December and added to principal. Interest shall be allowed on total sum.

10. All depositors' accounts, not being deposits made on behalf of minors which shall not have been operated upon by the addition or withdrawal of deposits for a period of seven years and upwards, may, with the interest which may have been placed to the credit of such accounts, be balanced and closed, and the balances thereof respectively shall be carried in the names of the respective depositors to an account to be called the "Depositors' Unclaimed Fund": Deposits and any sum transferred to the "Depositors' Unclaimed Fund" shall, when duly applied for, be paid thereout to the person entitled to receive the same, but without any interest thereon for the period during which it shall have been so transferred and remained to the credit of such fund.

Accounts not operated on for seven years to be carried to "Depositors' unclaimed fund."

11. The depositor of any sum of money so deposited, or any person duly authorised by such depositor or his executor or other lawful representative, shall be entitled to claim and receive back

Deposits may be withdrawn on notice in writing.

Government Savings Bank.

such sum of money, together with the interest due thereon, or any part thereof, in the manner and upon the conditions following, that is to say :—

Conditions of notice on withdrawal.

If the sum so required to be paid shall not exceed £5, the claimant thereof shall, at the Colonial Treasury or the office where he deposited the same, deliver or cause to be delivered to the Colonial Treasurer, or to the officer with whom he had made such deposit, a notice signed with his name, declaring his intention to withdraw such sum at the expiration of ten days from the date of such notice.

If the sum to be withdrawn shall exceed £5, but not be more than £20, then twenty days' notice shall be given in like manner.

If the sum to be withdrawn shall exceed £20, but not be more than £50, then thirty days' notice shall be given in like manner.

If the sum to be withdrawn shall exceed £50, then forty days' notice shall be given in like manner.

Governor may dispense with notice.

Provided the Lieutenant Governor may, upon recommendation of the Colonial Treasurer, dispense with such notice in cases where it may to him appear expedient ; and, on the withdrawal of any money, a receipt shall be signed by the party receiving such money, and such receipt shall be a sufficient discharge to the said Colonial Treasurer and other officers for the sum therein expressed to have been received : Provided, further, all interest shall cease from the date of such notice on the sum so notified to be withdrawn.

Receipt must be signed on receiving back deposits.

Interest to cease from date of notice.

Disputes between Colonial Treasurer and depositors, &c., shall be settled by arbitration.

12. If any dispute shall arise between the Colonial Treasurer or any other person appointed to receive deposits and any individual depositor, or any executor, administrator, next of kin, creditor, or legatee of any deceased depositor, or any person claiming to be such executor, administrator, next of kin, creditor, or legatee, then and in every such case the matter so in dispute shall be referred to the arbitration of two indifferent persons, one to be chosen and appointed by the Colonial Treasurer, the other by the party with whom the dispute arose ; and in case the arbitrators so appointed shall not agree, then such matter in dispute shall be referred in writing to an umpire having no interest in such matter, to be elected by such arbitrators previously to entering upon the consideration of the matter referred to them ; and, whatever award, order, or determination shall be made by such arbitrators or by such umpire shall be binding and conclusive on all parties, and shall be final to all intents and purposes, without any appeal or other process for the reversal thereof.

Governor may make rules for carrying this Law into effect.

13. The Lieutenant Governor may, with the advice of his Executive Council, from time to time, as occasion may require, make, frame, and alter regulations and rules for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors and the custody of the money deposited, and also with respect to the making of deposits and the withdrawal of deposits

Government Savings Bank.

and interest and the postage and other charges to be paid by depositors and all other matters and things incidental to carrying this Law into execution, and such rules and such regulations, when published in the *Government Gazette*, shall have the force of law, and copies of all rules and regulations issued under the authority of this Law shall be laid before the Legislative Council within fourteen days from the date thereof, if the Council be then sitting, and if not, then within fourteen days after the next sitting of such Council.

Such rules to be published in *Gazette*, and to have the force of law.

To be laid before Legislative Council,

14. An annual account of all deposits received and paid under the authority of this Law, and of all expenses incurred during the year ending 31st December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid before the Legislative Council in each year.

Annual account of deposits and expenses incurred to be laid before the Legislative Council.

15. The annual account to the 31st December in each year in respect of all moneys received and paid under the authority of this Law shall annually, prior to the 31st of January in each year, be submitted to the Auditor for examination and audit.

Annual account to be submitted to Auditor.

16. All expenses incurred in carrying this Law into execution shall be paid out of the colonial revenue.

Expenses incurred under this Law to be paid out of Colonial revenue.

17. No deposit made under this Law shall be appropriated by the Colonial Government for any debt, claim, demand, or forfeiture due, claimable, or incurred to the Colonial Government, nor shall any depositor be prevented from withdrawing any deposit by reason of any such debt, claim, demand, or forfeiture.

Deposits not to be appropriated for debts due, or penalties incurred to Government.

18. No money deposited by or on behalf of any native under this Law shall be liable to be seized, retained, or interdicted for the purpose of satisfying any judgment obtained against, or liability incurred by, or fine inflicted upon, the tribe, native village, kraal, or collection of kraals, of which such native depositor is a member under the provisions of Law No. 4, 1868, entitled, "Law to repeal and re-enact with amendments the Ordinance No. 1, 1855, entitled, 'Ordinance to more effectually check and prevent the "stealing of cattle," and to make provision to more effectually check and punish the crimes of wrongfully and unlawfully killing, "stabbing, or wounding cattle, committed by natives," or otherwise: Provided, however, that this exemption shall not extend to any liability incurred by such native depositor himself in respect of any personal and individual responsibility.

Deposits by Natives not liable to be retained for fines or liabilities incurred by the tribe or kraal under Law 4, 1868.

Vide Law 10, 1876, § 1.

This exemption not to extend to individual responsibility.

19. This Law shall be styled, and may be cited as the "Government Savings Bank Law of 1868," and shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Short title.

Commencement of Law.

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Fisheries.

LAW No. 8, 1868.

(Signed) ROBT. W. KEATE.

*Law for Regulating the Capture of Fish within the Bay or Harbour of Port Natal.***Preamble.**

WHEREAS it is expedient to regulate the capture of fish in the bay or harbour of Port Natal :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Law No. 13, 1867, repealed.

1. The Law No. 13, 1867, entitled, " Law for Regulating the " Capture of Fish within the Bay or Harbour of Port Natal," shall be, and the same is, hereby repealed, without prejudice to anything heretofore done thereunder.

Not lawful to erect a fish kraal or fish with drag or stake nets in the Bay of Port Natal without a license.

2. It shall not be lawful for any person to erect, or cause to be erected, any fish kraal, or other similar erection, for the capture of fish, or to capture or cause to be captured, or endeavour to capture any fish thereby, or by means thereof, or by any drag or stake net within the bay or harbour of Port Natal, without having, for any and every such purpose, first obtained a license as hereinafter mentioned ; or to continue any such kraal, or other aforesaid erection, or the use of any such stake or drag-net within such bay or harbour after such license shall have in any manner determined.

License to be obtained from Resident Magistrate of Durban on written application.

3. Every license for the erection and continued use of a fish kraal, or for the capture of fish with nets, under this Law, shall be obtained from the Resident Magistrate of the County of Durban, on application to him in writing therefor. Every application for the use of a net shall state the size of such net and the manner in which it is proposed to be used. And every application for license to erect a fish kraal shall set forth the size and locality of the kraal, and be accompanied by a rough sketch showing the proposed site thereof and the adjoining kraals ; and the applicant shall undertake that such fish kraal shall not be of such construction, or in such site, as may obstruct the free ingress and egress of the tide, or obstruct navigable channels, or cause accumulations of sand and drift ; and if such undertaking is not complied with, such license may be cancelled by the Resident Magistrate.

What application must contain,**License may be cancelled on non-compliance with undertaking.****Fee for license.****Magistrate may make enquiry before granting license ; but may not refuse license if provisions of this Law complied with.****Licenses to endure twelve months from date**

4. For every such license a fee of £1 shall be paid to such Magistrate in advance.

5. The said Resident Magistrate may institute any enquiry he may think requisite about granting such license, and at his discretion may grant or refuse the same : Provided the said Resident Magistrate shall not be entitled to refuse to grant or renew a license, solely on the grounds of objections to any net or fish kraal, in respect of which net or fish kraal the provisions of this Law have been and shall be complied with.

6. Each such license shall endure for a period of twelve months, and shall commence from the date thereof.

Fisheries.

7. It shall not be lawful for any person to use in any part of such bay or harbour, whether upon, or about, or in connection with, any fish kraal, or otherwise howsoever, for the purpose of capturing any fish, any drag or stake net, or other implement of a similar nature, of whatever materials the same may be composed, the meshes or apertures of which shall be less than one inch and three-quarters from knot to knot when such net is wet and the meshes fully distended, and no such net shall exceed five hundred feet in length.

Meshes of drag and stake nets not to be less than $1\frac{3}{4}$ inches.

Such nets not to exceed 500 feet in length.

8. Every license for the erection of a fish kraal shall be subject to such conditions as to dimensions, situation, and extent, as to the said Resident Magistrate may seem fit, and be therein specified and mentioned.

Licenses for erection of fish kraals to be subject to conditions.

9. Any person contravening any of the provisions of this Law, or any of the conditions, rules, or regulations sanctioned by the Lieutenant Governor, shall be liable to the immediate forfeiture of his license, if any then existing; also to the forfeiture of any such nets or other implements as are by this Law declared illegal, and of all fish illegally captured thereby, and shall be further liable to a penalty not exceeding Five pounds for each and every such offence.

Penalties for contravention of this Law.

10. If any person shall unlawfully and maliciously destroy or injure any fish kraal or any nets within such bay or harbour, in respect of which a license has been obtained, or shall unlawfully and maliciously remove any fish therefrom, he shall be liable to a penalty not exceeding Five pounds, or in default of payment to imprisonment, with or without hard labour, for any period not exceeding one month.

Penalty for maliciously destroying fish kraals or removing fish.

11. Any person found committing any offence against the provisions of this Law may be apprehended by any person so finding such offender, and delivered into the custody of the nearest constable of the County or Borough of Durban.

Offenders may be apprehended by any person.

12. The Lieutenant Governor may, from time to time, proclaim such rules and regulations as may to him appear necessary for carrying out the objects of this Law: Provided such rules and regulations shall not be inconsistent with the provisions thereof.

Governor may make rules.

13. Half of all fines recovered in consequence of contravention of this Law shall be paid to the informer, and the other half to the Colonial Treasury, and, unless remitted, said half fines shall be applied to the general uses of the Government of the Colony.

Appropriation of penalties.

14. This Law shall take effect from the promulgation thereof in the *Government Gazette*,

Commencement of Law.

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Payment of Witnesses.

LAW No. 9; 1868.

(Signed) ROBT. W. KEATE.

Law to amend Law No. 33 of 1865.

Preamble.
Vide Law 33,
1865.

WHEREAS, the existing rates of expenses allowed to witnesses attending to give evidence on criminal trials and preparatory examinations within this Colony are excessive, and it has been deemed expedient to alter and amend the said Law No. 33, 1865, by reducing the scale of such expenses authorised thereby:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Law 33, 1865,
altered as to
scale of allow-
ance to witnesses
in schedule.

1. The said Law No. 33, of 1865, entitled, "Law to amend the "Law for regulating the Payment of Expenses of Witnesses "attending to give evidence on Criminal Trials and Preparatory "Examinations within the Colony of Natal," shall be and the same is hereby altered and amended in so far as the scale of allowances to witnesses thereby authorised is concerned; and the Schedule A to this Law annexed shall be and the same is hereby substituted for the Schedule A to said Law No. 33, 1865, annexed.

Commencement
of Law.

2. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Schedule.

SCHEDULE A.

Scale of Allowance to Witnesses.

CLASSIFICATION.	Resident in the Town in which the cause is tried, or within ten miles thereof.			Resident at a greater distance than ten miles from the place of trial.		
	AT PER DIEM.					
	£	s.	d.	£	s.	d.
Medical Men, when specially summoned to give medical evidence	1	1	0	1	1	0
Professional Men, Magistrates, Surveyors, Engineers, Apothecaries, Chemists	0	10	6	0	15	0
Notaries, Auctioneers, Accountants, Attorneys' or other Clerks, Master Tradesmen, and Yeomen-Farmers. Common Witnesses, such as Labourers, Journeymen, Females	0	5	0	0	7	6
Native Witnesses, Hottentots, and Coolies	0	0	6	0	1	0

Payment of Witnesses.—Resident Magistrates.

In addition to the above scale of allowances, the travelling expenses of witnesses shall reasonably be allowed, according to the sums *bond fide* and actually paid; but in no case shall they exceed sixpence per mile.

Travelling expenses, not exceeding 6d. per mile in addition.

Given at Government House, this 3rd day of August, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1868.

(Signed) ROBT. W. KEATE.

Law to extend the Jurisdiction of the Resident Magistrates of the Colony of Natal in Civil Cases.

WHEREAS, it is expedient to extend the Jurisdiction of the Resident Magistrates of the Colony of Natal in Civil Cases: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. The Resident Magistrate for each Division or County of the Colony shall have jurisdiction in all civil cases within each such Division or County, wherein the sum or matter in dispute shall not exceed Fifty pounds sterling, whether upon bill of exchange, promissory note, or other liquid document of debt; or for money due for goods sold and delivered; or for money lent by the plaintiff to the defendant, or for money paid by the plaintiff for the use of the defendant, or for money had and received by the defendant for the use of the plaintiff (including the *condictio indebiti*); or for rent upon any lease or contract for hire, or for money claimed upon or by virtue of a verbal admission of an amount due upon an account stated and settled; or for money due upon an award of arbitrators, or for money due as the purchase price of fixed property, or for money claimed for work and labour done, and materials for the same provided; or for money claimed upon or by virtue of any policy of insurance, and for any other debt due on contract: Provided, that nothing in this Law contained shall be deemed to apply to the Resident Magistrate for the County of Durban.

Resident Magistrate shall have jurisdiction in certain civil cases up to £50.

This Law not to apply to Magistrate of Durban.
Vide Ord. 8, 1862.

2. The several powers and provisions of the Ordinance No. 16, 1846, entitled, "Ordinance for creating Resident Magistrates within the District of Natal," and all rules and regulations which

Provisions of and rules made under Ord. 16, 1846, to apply to proceedings under this Law.

Resident Magistrates.

have been or shall be made in pursuance thereof, or which shall be otherwise lawfully made respecting the form and manner of proceeding in civil cases in the Courts of the Resident Magistrates of the Colony, shall, so far as they are not repugnant to or inconsistent with the provisions of this Law, extend to all debts which may be sued for in the Court of any Resident Magistrate under the authority of this Law, and to all proceedings and judgments for the recovery of the same or otherwise in relation thereto.

Appeal to
Supreme or
Circuit Court.

3. If either party in any action tried in the Court of any Resident Magistrate shall be dissatisfied with the judgment of such Resident Magistrate, such party may appeal to the Supreme Court of the Colony of Natal, or to any Circuit Court held in the District within which the said County or Division may have been included.

Notice of appeal
and security for
costs must be
given.

4. Such party shall, within ten days after such judgment, give notice of such appeal to the other party or his attorney, and shall also give security, to be approved by the Clerk of the Court, for the costs of the appeal, and also, if he be the defendant, for the amount of the judgment: Provided, that security for the amount of judgment shall not be required when the said amount shall have been paid into Court.

Exception.

Fees in Schedule
A to be taken by
advocates, &c.

5. The fees to be taken by the advocates, attorneys, and agents practising in the Court of the said Resident Magistrate shall be such as are set down in the Schedule hereunto, marked A.

Commencement
of Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette* of this Colony.

Schedule.

SCHEDULE A.

Scale of Fees to be allowed to Advocates, Attorneys, and Agents practising under this Law in the Courts of the Resident Magistrates:

	£	s.	d.
Where the amount sued for is not above £15, at the rates laid down in the rules of Magistrates' Courts, made in pursuance of Ordinance No. 16, 1846.			
Where the amount sued for exceeds £15, but not exceeding £25	...	...	...
Exceeding £25 but not exceeding £35	...	...	...
Exceeding £35 but not exceeding £50	...	...	...
	1	1	0
	1	11	6
	2	2	0

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Escheats.

LAW No. 11, 1868.

(Signed) ROBT. W. KEATE.

Law to provide for the Appropriation of the Casual Revenue of the Crown arising from Escheated Estates. Vide Law 6, 1869.

WHEREAS, by an Act passed by the Imperial Parliament in the session holden in the fifteenth and sixteenth years of Her Majesty's reign, provision is made for the appropriation by, or with the consent of the Crown, of any casual revenues arising within the Colonies or Foreign possessions (other than droits of the Crown and droits of Admiralty) for or towards any public purposes within the colonies or possessions in which the same respectively may have arisen; and it is expedient to provide for the appropriation of such casual revenue, including the revenue to arise from sale of the estates and effects of persons who have died intestate, and without heirs or next of kin:

Preamble.
15 & 16 Vict.,
cap. 39.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. All casual revenue of the Crown (other than droits of the Crown and droits of the Admiralty) which shall hereafter be paid by order of the Crown into the public Treasury of this Colony, shall be disposed of from time to time in such manner and for such public purposes as the Legislature of the Colony shall direct.

Casual revenue of the Crown may be disposed of for public purposes as directed by the Legislature.

2. The Lieutenant Governor shall, from time to time, as occasion shall require, repay or make good to any person preferring and duly proving his claim to the same, after such appropriation as is hereinbefore provided, all such sums of money so appropriated, and all moneys in the Treasury forming part of, or arising from, the general revenue of the Colony shall be applicable for so repaying or making good the same.

Governor may repay any moneys so appropriated to persons proving their claims thereto.

3. If any person preferring a claim to any moneys to be hereafter appropriated pursuant to the provisions of this Law, shall fail to prove his claim to the same, it shall nevertheless be lawful for him to present his summary petition to the Supreme Court of the Colony against Her Majesty's Attorney General, as respondent thereto, and if he shall verify his claim by evidence to the satisfaction of the said Supreme Court, it shall be the duty of the said Court to make such order in the premises, including any award of costs as justice shall require; and upon the application of such person, or any other claimants or person, or of the said Attorney General, to vary such order from time to time as may be deemed expedient, and to certify the same to the Lieutenant Governor to the intent that the claimant may have relief in the premises.

Persons failing to prove their claims to such moneys may petition the Supreme Court.

Court shall make order therein, and may award costs.

Escheats.—Noxious Animals.

- Short title. 4. This Law may for all purposes be cited as "The Escheat Law, 1868."
- Commencement of Law. 5. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette* of the Colony.

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 12, 1868.

(Signed) ROBT. W. KEATE.

Law to repeal the Law No. 8, 1866, entitled, "Law to make Provision for the Destruction of certain Noxious Animals within the Colony of Natal."

Preamble. WHEREAS it is expedient to repeal the said Law No. 8, 1866 :
Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Law No. 8, 1866 repealed. 1. That the said Law No. 8, 1866, entitled, "Law to make Provision for the Destruction of certain Noxious Animals within the Colony of Natal," shall be and the same is hereby repealed.

Commencement of Law. 2. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

Bluff Lighthouse Dues.

LAW No. 13, 1868.

(Signed) ROBT. W. KEATE.

Law to authorise the Levying and Collection, of Dues at the Port of Natal in respect of the Lighthouse on the Bluff Rock.

WHEREAS a lighthouse has been erected, and has been since maintained, by the Colonial Government, on the Bluff Rock, near the entrance of the said port, at the sole cost and charges of the said Government, and such lighthouse is and will be of great advantage to vessels touching at said port, and it is therefore expedient that certain duties should be levied on such vessels for the use of the said Government towards defraying the said cost and charges :

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. There shall be payable to the Collector of Customs of the Colony of Natal, in respect of the said lighthouse, for the use of the said Government, a duty at the rate of Twopence per ton register of every ship or vessel not exceeding five hundred tons of burden which shall enter inwards at the Customs of Port Natal, in virtue of the Ordinance No. 6, 1855, entitled, "An Ordinance for the General Management and Regulation of the Customs in the District of Natal," and, in addition to said duty, for every vessel or ship exceeding five hundred tons register, a duty after the rate of One penny a ton for every ton register over said five hundred tons burden.

Duty of 3d. per ton, to be levied on ships under 500 tons
Vide Ord. 6, 1855.

And 1d. per ton above 500 tons.

2. It shall be lawful for the Collector of Customs to refuse to clear any such vessel until the said dues shall have been paid.

Collector of Customs may refuse to clear ships until duty paid.

3. The Collector of Customs shall keep in such form as the Lieutenant Governor may from time to time direct, a separate account of all dues collected by him under the provisions of this Law, and shall, at the close of each month, forward to the Colonial Treasurer full statements of the said collections in form as aforesaid, and shall pay into the Colonial Treasury the respective amounts thereof at such times as may be appointed by the Lieutenant Governor.

Collector of Customs to keep separate accounts of such duties.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 14th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Excise Law.

LAW No. 14, 1868.

(Signed) ROBT. W. KEATE.

*Law to amend the Law as to the Distillation of Spirituous Liquors.***Preamble.**

WHEREAS it is expedient to amend the Laws now existing in regard to the distillation of spirituous liquors :

And whereas this can be more conveniently done by repealing the said Laws and enacting another in lieu thereof :

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Law No. 31, 1865, sections 29, 31, and 32 of Ordinance No. 9, 1847, and Law No. 23, 1866, repealed.

1. That the Law No. 31 of 1865, entitled, " Law to amend the " Law as to the Distillation of Spirituous Liquors," and sections twenty-nine, thirty-one, and thirty-two of Ordinance No. 9, 1847, entitled, " Ordinance for Regulating the Sale of Wines and " Spirituous and Fermented Liquors within the District of Natal," and the Law No. 23, 1866, entitled, " Law to amend the Law " No. 31, 1865, entitled, ' Law to amend the Law as to the Dis- " 'tillation of Spirituous Liquors,' " shall be and the same are hereby repealed, save only and except so far as regards all offences against, and all penalties and forfeitures incurred under the said Laws or either of them, all which offences may be prosecuted, and all which penalties and forfeitures may be sued for, enforced, and recovered in the same manner as if this Law had not been passed, and save also and except so far as regards all appointments of Excise Surveyors or other officers already made under the authority of the said Laws or either of them, and save also and except so far as regards all licenses to distil issued under the authority of said Laws, or either of them, all which said licenses are to be considered as issued under this Law.

Exceptions.

Duty of 3s. 6d. per gallon proof to be charged on colonial spirits.

Vide Law 14, 1876, § 1.

Duty to be paid by purchaser.

Governor may charge duty of 4s. 11d. per liquid gallon, instead of above duty.

Vide Law 14, 1876, § 2.

2. There shall be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, for and upon every gallon of rum or other spirits of hydrometer proof, as denoted by the hydrometer called " Sykes's Hydrometer," already made and distilled in this Colony in respect whereof duty shall not have been already paid, or which shall hereafter be made or distilled in this Colony (except as hereinafter specially provided), the duty of [three] shillings and sixpence sterling, and so in proportion for any greater or less quantity, and such duty shall be paid by the person or persons purchasing the same from the distiller : Provided, however, that it shall and may be lawful for the Lieutenant Governor at any time, after giving one month's notice in the *Government Gazette*, if he shall see fit, to declare that duty shall be charged and levied upon every liquid gallon, instead of every gallon of hydrometer proof, as herein provided ; and in the event of duty being so declared leviable upon the liquid gallon, the amount of duty shall be [four shillings and elevenpence] sterling for every liquid gallon, instead of [three] shillings and sixpence sterling for every proof gallon of rum or other

Excise Law.

spirits as aforesaid : Provided also, and it is hereby excepted that, upon spirits distilled by any owner or occupier of any land as hereinafter mentioned, from any grapes, peaches, figs, or other fruit, being the *bona fide* produce of such land, there shall be paid, instead, a duty at the rate of ten shillings for every gallon of the working capacity of the still so used, for each and every month during which, or portion of which, such still shall be in operation, such duty to be paid by the said owner or occupier before commencing to distil ; and such stills so specially exempted shall be called "private stills," and shall be subject to the restrictions hereinafter specially provided in respect thereof.

3. The collection of the duties imposed by this Law shall be under the management of the several Resident Magistrates, in their respective magisterial counties or divisions throughout the Colony, and the said Magistrates shall account for and pay over such duties to the Colonial Treasurer, in such manner and at such times as the Lieutenant Governor may direct ; and for the better carrying this Law into effect, it shall be lawful for the Lieutenant Governor, from time to time, to appoint one [Controller of Excise], and such persons as he shall think fit to be Excise Surveyors, and to assign to each Excise Surveyor a particular circuit or district of the Colony for the performance of his duties, with such remuneration by the way of salary as the Lieutenant Governor and Executive Council may, from time to time, see fit to allow, and also to appoint for any such district one or more Assistant Excise Surveyors.

4. The constables of police shall be aiding and assisting in the execution of this Law, and every police constable shall have all such and the same powers, authorities, and privileges as are given by this Law to any Excise Surveyor, and the words "Excise Surveyor," wherever used in this Law, shall extend to and include all Assistant Excise Surveyors.

5. From and after the date at which this Law shall take effect, it shall not be lawful for any person to have or use any still whatever for the purpose of making or distilling rum or other spirits without having obtained a license for that purpose, under the provisions of this Law ; every such licence shall specify the name or names of the person or persons to whom, and the local situation, description, and name, if any, of the farm building or premises, and the particular local situation and capacity of the still in respect whereof such license shall be granted ; and every such license shall take effect from a day to be named in such license, and shall continue in force until and upon the Thirty-first day of December next after the day of the commencement of such license, and no longer : Provided the co-owners of any farm, building, or premises, or persons in partnership, carrying on any one trade or business as distillers of spirits in one house or place, shall not be obliged to take out more than one such license in any one year ; and no one license which shall be granted under the authority of this Law shall empower any person to whom the same shall be granted, to have or make use of any still, or to make or distil any rum or other spirits in or upon any still, farm, or premises other than the still, farm, building, or premises mentioned in such license.

Spirits distilled from fruits, the produce of the distiller's land, to be charged 10s. per gallon of capacity of still.

Such stills termed "private stills."

Magistrate to collect duties.

Vide Law 14, 1870, § 2.

Constables to have powers of Excise Surveyors

"Excise Surveyor."

Licences for distilling.

Excise Law.

Licenses to be
signed by
Resident
Magistrate.

6. Every such license to distil spirituous liquors shall be granted and signed by the Resident Magistrate of the county or division in which such distillery is situated, upon the payment of a sum of one pound for each still used complete in all its parts.

Description of
premises
required.

7. No license to distil shall be granted in any case unless and until the person applying for such license shall have produced to, and lodged with, the Resident Magistrate a certificate signed by the Excise Surveyor, setting forth that the building or buildings within which it is proposed to carry on distilling operations are substantial buildings, in good repair, and of a suitable character for the purpose, and that there is attached thereto a suitable and sufficient store for the storage of spirits; and every licensed distiller shall, within three months after the [Controller of Excise] shall require him so to do, provide at his distillery fit and proper lodgings or rooms for the residence of an Excise Surveyor, to be placed in charge of the distillery, conveniently situated, and approved of by the [Controller of Excise], and a stable for his horse, if required, at a reasonable cost, not exceeding twenty pounds per annum, and if the distiller shall neglect or refuse to provide such lodging, or room, or stable, or shall not keep them in proper repair, or shall interrupt such officer in the use of them, such distiller shall forfeit a penalty not exceeding twenty pounds.

Vide Law 14,
876, § 2.

8. [Repealed by Law No. 36, 1874, § 1.]

Premises to be
five miles from
frontier.

9. No license shall be granted for the use of any still, not being a private still, unless the building within which such still shall be situate shall be at least five miles from the nearest frontier of the Colony, unless by special consent of the Lieutenant Governor.

Distiller to give
sureties.

10. Every person before obtaining a license to distil spirituous liquors shall, on each and every obtaining of such license, together with two sureties to be approved by the Resident Magistrate, enter into a bond in the form in the Schedule B hereunto annexed, or as near thereto as may be.

Insufficiency of
sureties, how
remedied.

Vide Law 14,
1876, § 2.

11. In the event of any surety becoming in the opinion of the [Controller of Excise] insufficient from any cause, the said [Controller of Excise] shall give notice to the distiller to furnish another sufficient surety in his stead; and if this be not done within one calendar month after such notice, it shall be lawful for the Excise Surveyor to cause the still of such distiller to be placed under seals until such surety be furnished.

Licenses may
not be renewed
in cases of
conviction for
illicit distillation

12. Any Resident Magistrate may refuse to renew the license of or to issue a license to any distiller or any other person who shall have been convicted before any competent tribunal of having illicitly distilled, rectified, removed, transported, or sold Colonial spirits.

Still not to be
under 160 gallons
contents.

13. No still shall be authorised or allowed to be used under this Law for distilling any substance or article into spirituous liquors the body of which, without the head thereof, shall be of less content than one hundred and fifty gallons: Provided, however, that this provision shall not apply to stills at present in use in this Colony

Excise Law.

under any license already granted, nor to stills used by the owner or occupier of any land or farm for distilling spirits from grapes, peaches, figs, or other fruit being the produce of such land or farm.

14. No private still for the use of an owner or occupier of any land or farm in distilling spirituous liquors from any grapes, peaches, figs, or other fruit the produce of such land or farm as in the foregoing section mentioned, shall be licensed, the body of which, without the head thereof, shall be of less content than fifteen gallons; and it shall not be lawful for the owner or person licensed to use any such private still to sell any of the spirits manufactured thereby without the special consent of the [Controller of Excise] in each case first had and obtained.

Private stills not to be less than fifteen gallons contents.

Vide Law 14, 1876, § 2.

15. No license granted under this Law shall be assignable or transferable in any matter whatever.

Licenses not assignable.

16. Any person to whom a license shall have been granted under this Law may surrender the same to the [Controller of Excise].

Licenses may be surrendered.

Vide Law 1, 1871, § 3; and Law 14, 1876, § 3.

17. It shall not be lawful for any person, at any time after the expiration of the time for which any such license for using a still shall be granted under this Law, to continue to work or use any still, or to brew or make any wort or wash, or to distil any rum or other spirits, until such person shall have obtained a new license for that purpose; and if any person shall continue to keep or work or shall use any still, or make or brew any wort or wash, or shall distil any rum or other spirits contrary to this Law, every such person shall in every such case forfeit the sum of one hundred pounds, and all such wort, wash, and spirits, and every such still with the head and worm thereof, and all other vessels and utensils therewith used or containing such wort, wash, rum, or other spirits shall be forfeited, and may be seized by the [Controller of Excise] or any Excise Surveyor, officer of Customs, or police constable.

Licenses must be renewed.

Vide Law 14, 1876, § 2.

18. No person to whom a license to use a still shall be granted under this Law shall be a retailer of spirits, or in any manner interested or concerned in the trade or business of a retailer of spirits; and every person to whom a license to use a still shall be granted under this Law who shall retail, or knowingly suffer or permit any servant or other person in his employ to retail spirits, shall for every such offence forfeit and pay the sum of Fifty pounds.

Distillers not to be retailers.

19. There shall be kept in some public and open part in and upon every building in respect whereof any license may be granted under the provisions of this Law, a book in such form as may be approved of from time to time by the [Controller of Excise], which book shall be open at all times to the inspection of the [Controller of Excise] and Excise Surveyors; and every person to whom any such license shall be granted shall enter or cause to be entered daily therein the approximate number of gallons of wash set up daily, with the density thereof as denoted by "Baume's Saccharometer," the quantity of low wines and other spirits put into the same class as low wines made from each vat, with the average strength drawn from the cask; and shall also keep or cause to be kept in such

Distillers' stock-book.

Vide Law 14, 1876, § 2.

Excise Law.

book an account by way of debtor and creditor of the stock of strong saleable rum or other spirits in the distillery of such person; and immediately after any rum or other spirits shall be drawn or conveyed from the still or receiver in such distillery into such stock, enter in such book, in the proper columns prepared for such purposes respectively, a true and particular account of the quantity of rum or other spirits drawn or conveyed from the still or receiver of such distillery into such stock; and shall on the same day on which any rum or other spirits shall be removed or otherwise disposed of, enter in such book as aforesaid, in the proper columns prepared for such purposes respectively, a true and particular account of the quantity of gallons so removed or otherwise disposed of, and shall specify whether the same have been removed for the purpose of being warehoused under this Law or not, and the name and place of residence of the person to whom any such rum or other spirits shall have been delivered, removed, or otherwise disposed of; and if any person to whom any license to use a still shall be granted under the provisions of this Law shall not keep or cause to be kept such book as aforesaid, or shall wilfully omit to make or cause to be made any such entry as aforesaid, or if any person to whom any such license shall be granted, or any person in his employ, shall wilfully convey away or conceal such book, or shall wilfully destroy or tear out any leaf thereof, or cancel, obliterate, or alter any entry therein, or make any false entry therein, or shall refuse to permit the [Controller of Excise] or any Excise Surveyor to inspect such book, or to make any minute therein, or copy or extract therefrom as to such [Controller of Excise] or Excise Surveyor shall seem meet, or to remove or take away such book, leaving a new book for the like purpose as aforesaid in lieu thereof, the person to whom such license shall have been granted shall for every such offence forfeit and pay the sum of One hundred pounds: Provided always, the obligation imposed by this section shall devolve upon and be carried into effect and discharged by the officer placed in charge of any distillery, when fit and proper rooms or lodgings and stable are provided by the distiller for the use of such officer.

*Vide Law 14,
1876, § 8.*

*Distillers'
accounts to be
kept.*

20. Every person to whom a license to use a still shall be granted under this Law shall on the first, second, or third day of each month, make or cause to be made a true return in writing to the Excise Surveyor of the district of all rum and other spirits, low wines and spirits classed as low wines, as aforesaid, made or distilled by him within the calendar month immediately preceding, and of the strength or proof of such rum, low wines, and other spirits, the quantity of spirits removed or disposed of during such period, the quantity on hand, if any, together with the vouchers hereinafter mentioned; and such return shall be signed by the person to whom such license shall have been granted, or some person as his agent and on his behalf, being the person having the charge or superintendence of the still upon or at which such rum or other spirits shall have been made or distilled; and the Excise Surveyor shall cause all such returns to be forthwith delivered to the [Controller of Excise]; and if any person to whom any such license shall have been granted shall neglect to make or cause to be made such return

*Vide Law 14,
1876, § 8.*

Excise Law.

as aforesaid, or if any return so made by such person, or by any other person as his agent and on his behalf, shall be wilfully false in any respect, the person to whom such license shall have been granted shall, for every such offence, forfeit and pay the sum of Fifty pounds.

21. The [Controller of Excise] shall enter in a book to be provided for the purpose, and to be called the "Book of Duties on Spirits," to a separate account, to be opened in the name of each person to whom any license shall be granted under this Law, distinguishing the building, farm, or premises in respect whereof such licenses shall have been granted, the several quantities of low wines, rum, or other spirits which shall appear from time to time to be made and manufactured in or upon such farm, building, or premises, and the amount of the duties payable in respect thereof under this Law.

Accounts to be kept by Controller of Excise.

Vide Law 14, 1876, § 8.

22. No rum or other spirits shall be removed from the distillery or other place where the same was or were made in any cask or vessel of less capacity than fifteen gallons; and every cask in which rum or other spirits shall be put up for removal shall be marked and numbered on the outside and on the end thereof, in letters or figures legibly cut, branded, or painted thereon, with the name of the licensed distiller by whom, and with the year in which such rum or other spirit shall have been made or distilled, and with the number of such cask according to its order in the whole series of such casks for the year, beginning with the number one and proceeding therefrom in an ascending scale by regular arithmetical progression the difference whereof shall in all cases be one, with the quantity and strength of the spirits contained in such cask; and if any such rum or other spirits shall be removed from the distillery, still-house, building, or other place wherein the same was made in any cask or vessel of less capacity than fifteen gallons, or in any cask which shall not be so marked or numbered as hereinbefore directed, such rum or other spirits, and the cask or vessel containing the same, shall be forfeited, and may be seized by the Excise Surveyor or any officer of Customs; and the person to whom the license in respect of such distillery, still-house, building, or other place shall have been granted, shall for every such offence forfeit and pay the sum of Fifty pounds; and any person in whose possession shall be found any cask containing rum or other spirits, which cask shall not be so marked and numbered, shall for every such offence forfeit and pay the sum of Fifty pounds.

Casks to be marked, &c.

23. No spirits whatever, except as hereinafter specially provided, shall be sent out of the stock, custody, or possession of any distiller of spirits, nor shall be removed from the distillery, still-house, building, or other place within which the same were made or manufactured, rectified or compounded, or kept by any distiller of spirits, without a permit first granted and signed by the Resident Magistrate of the county or division within which such distillery, still-house, building, or other place shall be situated, upon a request-note subscribed by the person wishing to remove such spirits or by some person in his behalf, and delivered to such Resident Magistrate, and specifying therein the quantity, quality, sort or kind, and

Spirits not to be removed without permit.

Excise Law.

strength of such spirits; and also specifying the casks or other vessels containing the same, the person from whom, the place from which, and the person to whom and the place to which such spirits are to be sent, and by what mode of conveyance the same are intended to be sent; which permit or removal note shall be made to correspond in respect of all the particulars aforesaid with such request-note; and a reasonable time shall be limited and specified in every such permit within which such permit is to be in force; and no permit shall be valid or of any effect if the same shall be granted on any request-note not made conformably with the directions of this Law; and all rum or other spirits which shall be sent out, removed, or carried without such permit as aforesaid, together with the casks, vessels, and other packages containing the same, and also the horses and other cattle and wagons or other vehicles made use of in the removal or conveyance thereof, shall and may be seized by the Excise Surveyor or officer of Customs: and if any distiller shall send out, deliver, or carry, or knowingly permit to be sent out, delivered, or carried, any spirits whatsoever from or out of the stock, custody, or possession of such distiller, or from or out of any house, building, or other place wherein such spirits were made, manufactured, or kept by any such distiller of spirits, without such permit as aforesaid, or with any permit not corresponding with such spirits in quantity, quality, sort or kind, and strength, every such distiller shall, over and above the forfeiture of the said spirits, if seized, forfeit the sum of One hundred pounds: Provided always, no permit shall be granted to the first purchaser of rum or other Colonial spirits from the distiller thereof for any smaller quantity than fifteen gallons: Provided further, no permit shall be granted to remove rum or other spirits distilled under this Law until the duties imposed by this Law upon rum or other spirits shall have been paid by the purchaser to the Resident Magistrate granting the permit, or a receipt for the payment of said duties signed by some other Resident Magistrate and handed over to him; and every such Magistrate shall transmit every such receipt to the Colonial Treasurer: Provided, in case of removal of rum or other spirits from private stills, the Resident Magistrate may grant such permit therefor without payment of duty.

Duties must be paid.

Permits on imported spirits.

24. Upon due entry and payment of duty for home use of any spirits imported into the Colony of Natal, the Collector or other Officer of Customs to whom duty shall be paid, shall issue to the person paying the duty imposed thereon, a permit signed by the said Collector or Officer of Customs, and specifying therein the quantity, quality, sort or kind of such spirit, and also specifying the casks or other vessels containing the same, the person to whom, and the place from which and to which such spirits are to be sent, and by what mode of conveyance the same are intended to be sent; and a reasonable time shall be limited and specified in every such permit within which such permit may be in force.

Permits on spirits distilled in Colony.

25. In every permit shall be expressed and limited as well as the time, during which the permit shall be in force, for removing the rum or other spirits for which the permit shall be obtained, from and out of the stock of the distiller, from which it is to be removed, as

Excise Law.

also the time within which the same shall be delivered to, and actually received by, the person to whom the same shall be so permitted to be sent; and every permit which shall not be actually used as directed by this Law, within the time expressed and limited in such permit, shall, within the said time, be returned and re-delivered by the person who shall have obtained the same to the [Controller of Excise] or the Resident Magistrate by whom the same shall have been granted; and if any permit shall not be so returned as aforesaid, and upon taking an account by the Excise Surveyor, or any officer of Customs, of the stock remaining in the hands or custody of the person from, or out of whose stock, the rum or other spirits mentioned in such permit, were thereby authorised to be removed, there shall not appear to be a sufficient decrease to answer the removal mentioned in such permit, then the person from or out of whose stock the rum or other spirits mentioned in such permit were thereby authorised to be removed, shall forfeit the like quantity of rum or other spirits so permitted to be removed, and not removed according to such permission, and the same may be seized by the Excise Surveyor or any officer of Customs; and in case any rum or other spirits specified in any permit shall be removed from the stock of the person from whose stock it was to be removed, and the same shall not, within the time expressed and limited in such permit, be actually delivered and received into the stock of the person to whom the same are mentioned in such permit to be sent, then, and in every such case, all such rum or other spirits so removed as aforesaid, shall be deemed to be removed without permit, and shall be forfeited and seized accordingly.

Vide Law 14,
1876, § 2.

26. In case any rum or other spirits shall, through any unavoidable accident or necessity, be delayed, and thereby be prevented from being delivered into the stock of the person to whom the same are to be sent within the time limited and expressed in the permit, then, and in every such case, the Court, when any prosecution shall be instituted, for the condemnation of such rum or other spirits, shall, upon proof of any such unavoidable accident or necessity, direct the same to be restored to the owner or claimant thereof.

Spirits delayed
to be delivered
owing to
accident.

27. Every person who, having obtained a permit for the removal of any rum or other spirits, shall neglect to remove the same, or return and re-deliver the permit to the Resident Magistrate, within the time limited and expressed for the removal of such rum or other spirits, and every distiller who shall, without sufficient cause, refuse to permit the removal of such rum or other spirits, shall for every such offence forfeit a sum not exceeding ten pounds.

Penalty for
not delivering
permit to
Magistrate.

28. It shall and may be lawful for the Lieutenant Governor, with the advice of his Executive Council, at any time hereafter to appoint and establish in each county or division of the Colony such public warehouses for the warehousing of spirits under this Law as he may deem necessary, and after the establishment of such public warehouses persons to whom licenses to use stills shall have been granted under this Law may warehouse spirits therein without the payment of the duties imposed by this Law, but under such conditions and subject to such rules and regulations and to the payment of such charges as the Lieutenant Governor shall from time to time

Governor may
appoint public
warehouses,

Excise Law.

direct, and the appointment of all such public warehouses shall be notified, and all such rules and regulations published, in the *Government Gazette*.

Permits required for warehoused spirits.

Casks must be marked, and not less than fifteen gallons content.

Warehouse officers to take account of spirits warehoused.

Warehoused spirits to be at risk of warehouse.

Permit and payment of duties required on spirits warehoused.

29. No rum or other spirits so warehoused in any such public warehouse shall be removed therefrom without a permit being first granted to accompany the same, which permit shall be obtained by the distiller, or the person on whose behalf such spirits are warehoused, in the same manner and subject to the same provisions, so far as applicable, as hereinbefore provided in reference to permits obtained by purchasers of spirits. No spirits shall be warehoused in any public warehouse unless the same shall be contained in iron-bound casks of not less than fifteen gallons contents each; and there shall be marked on each end of every cask, in letters or figures legibly cut, branded, or painted thereon, the name of the farm or premises on which, or of the licensed distiller by whom, and of the year in which such rum or spirits shall have been made or distilled, and with the number of such cask according to its order in the whole series of such casks for the year, the full capacity thereof in gallons, and the quantity and strength of the spirits, and the number of gallons contained therein.

30. Immediately on the arrival of any rum or other spirits which may be warehoused in any public warehouse, the proper officer having the charge of such warehouse shall take an account of the contents of every cask by gauge, and the strength of the spirits contained therein, and shall enter an account thereof, with the marks and number of each such cask, in a book to be kept by him for that purpose, and such officer, after taking such account as aforesaid, shall deliver to the party warehousing such rum or other spirits, or any person requiring the same on his behalf, a certificate specifying the marks and number of each of the several casks and the several particulars so signed by him as aforesaid, with the day of the month and year when such rum or other spirits were warehoused as aforesaid, and the name of the Magistrate granting the permit under which such rum or other spirits shall have been received.

31. All spirits so warehoused in any public warehouse shall, while in such public warehouse, be and continue at the sole risk of the party warehousing the same.

32. No spirits which shall have been warehoused in any such public warehouse shall be delivered out of any such warehouse for consumption in this Colony until the person desiring to remove the same shall have obtained a permit for such removal, and the full duties payable under this Law in respect of such spirits, according to the quantity of the same at the time of such removal shall have been paid to the Resident Magistrate granting such permit, or a receipt for the payment of said duties, signed by some other Resident Magistrate, be handed over to him; and such Magistrate shall, upon request, sign and give to such person a certificate of such payment of duty (which may be inserted in the permit), specifying in such certificate the number and marks of the casks in respect whereof such duty shall have been paid; and the officer having charge of such public warehouse shall, upon production of such

Excise Law.

permit and certificate, and on payment of the charges for warehousing and keeping the same, deliver up such spirits as shall be mentioned in such permit and certificate.

33. Upon the delivery from any public or private warehouse of any cask of spirits warehoused, the Excise Surveyor may allow and deduct from the quantity computed at hydrometer proof as originally warehoused, as an allowance for any deficiency which may have arisen from natural waste, the following rates for every hundred gallons of such spirits, that is to say : Where the same shall have been in warehouse for a period of three days, and less than seven days, one-half part of a gallon ; seven days, and less than fourteen days, five-eighth parts of a gallon ; fourteen days, and less than twenty-one days, three-fourth parts of a gallon ; twenty-one days, and up to one calendar month, one gallon ; and where such spirits shall have been in warehouse for a period exceeding one calendar month, then the Excise Surveyor shall allow and deduct the actual deficiency therein to an extent not exceeding the following rates and the aforesaid rate of allowance for one calendar month—that is to say : For every calendar month, and any fractional part of a month after the first month, and up to seven months, one-half part of a gallon ; and for every calendar month, and every fractional part of a month above seven months and up to three years, three-eighth parts of a gallon ; and for every calendar month, and any fractional part of a month above three years and up to six years, one-fourth part of a gallon ; and for every period of two calendar months after six years, and up to ten years, one-eighth part of a gallon ; and no allowance shall be made for any deficiency which may arise in such spirits after the same shall have been ten years in warehouse.

Allowance for leakage, &c., on warehoused spirits.

34. When the owner of any rum or other spirits shall be desirous of exporting the same from the Colony, the Collector of Customs may, on the application of such owner, grant his permission in writing, signed by such Collector of Customs, for the removal from the distillery, still-house, or other place where the same may have been made or manufactured, in case the same shall not have been warehoused, or for the removal from the warehouse in case the same shall have been warehoused, and for the exportation of such rum or other spirits from the Colony, without payment of the duties imposed by this Law, in casks of not less than fifteen gallons content each, and on board of such vessel, and to such port as shall be named in such permission ; and such permission shall specify the numbers, marks, and contents of the casks, and the strength of the rum or other spirits in the casks, in respect whereof such permission shall be granted, and the officer having the charge of the warehouse, if any, in which such rum or other spirits shall be warehoused, shall, on production of such permission, and on payment of the charges for the warehousing and keeping of such rum or other spirits, deliver such rum or other spirits as shall be mentioned in such permission for exportation.

Duty remitted on exportation of spirits.

Vide Law 1, 1871, §§ 4, 5.

35. If any rum or other spirits shipped on board of any ship or vessel for exportation from this Colony shall, without the written permission of the Collector of Customs, be unshipped in order to be re-landed, all such rum or other spirits, together with the casks or

Penalty for re-landing spirits shipped.

Excise Law.

other packages made use of in the unshipping or re-landing or removal thereof, shall be forfeited, and may be seized by any Excise Surveyor or other officer of Customs, and every person who shall so unship, or cause to be unshipped, any such rum or other spirits, or shall be assisting or concerned in such unshipping, or to whose hands the same shall knowingly come after such unshipping, shall forfeit treble the value thereof; and if any master of such ship or vessel, or other person on board of the same, shall assist in or connive at such unshipping or re-landing, such person shall, over and above all other penalties imposed by this Law, forfeit and pay the sum of fifty pounds: Provided the penalties in this section mentioned shall not be incurred if such spirits are unshipped on account of a sufficient and necessary cause, to be approved of by the Collector of Customs, to whom notice shall be given before such unshipment is commenced, unless this is impracticable, in which case such notice shall be given as soon as practicable, and such spirits so unshipped shall be placed in such warehouse, in such manner and under such conditions as to the Collector of Customs shall seem fit.

Penalty for
drawing off
spirits shipped.

36. If the contents of any cask of rum or other spirits which shall have been shipped on board of any ship or vessel for exportation shall be drawn off, or the rum or other spirits contained in such cask shall be used or altered, either in quantity or quality, before such ship or vessel shall have sailed on her intended voyage, such cask, and the rum or other spirits contained therein, or drawn off, shall be forfeited, and may be seized by any Excise Surveyor or officer of Customs, and the master of the ship shall, in addition, forfeit and pay the sum of fifty pounds.

Excise Surveyor
may break into
premises where
he suspects
materials for
distillation to be
kept.

37. In case any Excise Surveyor shall know, or have reasonable cause to suspect, that any private or concealed still, or any privately made wash or other materials prepared for distillation is, or are, set up or kept in any house or place, or that any rum or other spirits is, or are, stored, lodged, or kept in any house, building, yard, or place not duly entered as hereinbefore or hereinafter directed, then, and in such case, it shall be lawful to and for such Excise Surveyor, by day or by night (but if in the night time, in the presence of a police constable, who is hereby required to be aiding and assisting therein), to break open the door or any part of such house or place, where he shall know or suspect such private or concealed still, wash, or other materials for distillation, to be so set up and kept, or such rum or other spirits to be so lodged, stored, and kept, and to enter into such house or place, and to seize all and every such still, wash, and other materials preparing for distillation, and such rum or other spirits which he shall find and discover, and either to detain and keep the same in the house or place where found, or to remove the same to the police station, Resident Magistrate's office or gaol, nearest to the place where the same shall be so found; and in case the same shall not, within ten days next after such seizure, be claimed by the true and lawful owner thereof, then the said still, wash, and other materials for distillation shall be absolutely forfeited, and the person in whose custody such still, wash, or other materials, rum or spirits, shall be found, whether such seizure be claimed or not, shall forfeit for every place in which every such private still, wash, or other

Excise Law.

materials, rum or other spirits, shall be so found, the sum of two hundred pounds, and if any person shall obstruct, oppose, molest, or hinder any Excise Surveyor, or any person in assistance of the same, seizing any such private or concealed still, spirits, wash, or other materials for distillation, or in detaining and keeping the same in the place where found, or in removing the same, or removing the same as aforesaid after seizure, then, and in every such case, every person so offending shall forfeit the sum of two hundred pounds.

38. It shall and may be lawful for any Excise Surveyor—if he shall know or have reasonable cause to suspect that any distillation is being carried on contrary to the provisions of this Law—at all times by night or by day to enter into any house, distillery, still-house, outhouse, and place whatsoever, of or belonging to or made use of by any distiller, and to gauge, measure, and take an account of every still or other vessel or utensil of any kind of or belonging to or kept therein by any such distiller, and to gauge and take an account of the quantity of all rum and other spirits which shall be from time to time made or distilled, or which shall be in such distillery, or in the possession of such distiller, and if any Excise Surveyor, or any person acting in his aid or assistance, shall be hindered, obstructed, or prevented by any distiller, or by any person or servant acting for or in the employment of such distiller, from entering, or shall not be permitted to enter into any distillery or any house, outhouse, or other place whatsoever, of or belonging to or made use of by such distiller, or having entered shall be hindered, obstructed, or prevented from doing or executing any part of his duty in the execution of this Law, such distiller shall for every such offence forfeit the sum of one hundred pounds.

Excise Surveyor
may enter distil-
lery at any time.

39. In case any Excise Surveyor, after having demanded admittance into any distillery, and having declared his name and business at the gate or entrance door, or at any window of such distillery, shall not be immediately and without delay admitted into such distillery, the distiller shall for every such offence forfeit the sum of Twenty pounds; and if such Excise Surveyor shall not immediately and without delay be admitted into such distillery after having so demanded such admittance, it shall and may be lawful for such Excise Surveyor, or any person or persons acting in his aid or assistance, at all times, as well by night (if in the presence of a constable or other peace officer) as by day, to break open by force any of the doors or windows or break through any of the walls as shall be necessary to enter such distillery.

Penalty for
not admitting
Excise Surveyor.

40. If, on demand of any Excise Surveyor made in the distillery of any distiller on any visit thereto, sufficient lights or sufficient aid or assistance shall not be supplied for the purposes of his gauging or ascertaining the content or capacity of any vessel or utensil, or of searching for or gauging and taking an account of all wort, wash, bub, low wines, feints, and spirits, and of all materials fit or proper for distillation in such distillery or in the possession of such distiller, as well by day as by night, every distiller so offending, or on whose entered premises such neglect or offence shall take place, shall, in any of the cases aforesaid, for each and every such offence, forfeit the sum of Fifty pounds.

Penalty on
distiller for not
aiding Excise
Surveyor in
gauging.

Excise Law.

Excise Surveyor
may break up
ground in search
of concealed
pipes.

41. It shall be lawful for any Excise Surveyor, if he shall know or have reasonable cause to suspect that any distillation is being carried on contrary to the provisions of this Law, and any person acting in his aid or assistance, by day or by night, to break up any ground in any part of the distillery or entered premises of any distiller, or near or adjoining to such distillery or premises, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe or cock or any private conveyance or utensil; and upon finding any such pipe or conveyance leading therefrom or thereto, to break open the ground, house, wall, or other place through or into which such pipe or other conveyance shall lead, and to break up or cut away any such pipe, cock, or other conveyance, and to turn any cock, and to examine whether such pipe or other conveyance may or can conceal any wort, wash, or other liquor fit for distillation, or low wines, feints, or spirits from the sight or view of the officer, so as to hinder or prevent him from taking or keeping a true account thereof; and every distiller on whose premises any such pipe, cock, or other conveyance may be found shall for every such offence forfeit the sum of Fifty pounds.

Every distiller
must keep
gallon measure
and gauging-rod.

42. Every distiller of or dealer in and retailer of rum or other spirits shall keep a one-gallon measure and a gauging rod in his entered premises, and also shall maintain the same conveniently placed and ready for use, and shall permit and suffer any Excise Surveyor to use the same for the purpose of measuring and taking an account of the spirits and casks, and other vessels or packages used or fit for conveying or removing spirits, which shall at any time be in the possession of such distiller, dealer, or retailer; and if any such distiller, dealer, or retailer shall not keep and maintain such measures, or shall not permit or suffer any Excise Surveyor to use the same as aforesaid, or shall in the measuring of any such rum or other spirits, casks, vessels, or other packages use or cause or procure or suffer to be used any false, unjust, or insufficient measure, or shall practise any art, device, or contrivance by which any such Excise Surveyor may be hindered or prevented from taking the just and true measure of any such spirits, casks, vessels, or packages, then and in every such case such distiller, dealer, or retailer shall, for each and every such offence, forfeit the sum of Fifty pounds; and all such false, unjust, and insufficient measures shall likewise be forfeited, and may be seized by any Excise Surveyor.

Distiller and
dealer must aid
Excise Surveyor.

43. Every distiller of or dealer in or retailer of rum or other spirits shall, when and so often as he shall be thereunto required by any Excise Surveyor, and with a sufficient number of his servants, aid and assist to the utmost of his power such Excise Surveyor in measuring and taking an account of all rum and other spirits and casks, vessels, and packages for keeping, conveying, or removing spirits in his possession, on pain of forfeiting for every neglect or refusal thereof the sum of Fifty pounds.

Excise Surveyor
to keep an
account of spirits
in each distillery.

44. The Excise Surveyor of the district shall, as often and at such time as he shall see fit, take and keep an account by way of debtor and creditor of the stock of rum and other spirits in the distillery of every distiller; and shall in such account credit such distiller with the full quantity of rum and other spirits, computed at

Excise Law.

hydrometer proof, which shall be from time to time duly conveyed into such stock, and shall debit such stock with the full quantity of rum and other spirits computed at hydrometer proof, which shall be from time to time sent out of such stock under legal permit; and if at any time the quantity of such rum and other spirits which shall be found in the stock or possession of any such distiller shall be greater than the quantity of rum or other spirits which by the stock account so kept by such distiller ought to be in the stock or possession of such distiller, all quantity in excess of rum or other spirits shall be forfeited, and may be seized by such Excise Surveyor; and every such distiller shall forfeit the sum of Ten shillings for each and every gallon of such excess of quantity: and if at any time the quantity of such spirits in the stock or possession of any distiller shall be less than the quantity which by the stock account of such distiller ought to be in the stock or possession of such distiller, every such distiller shall forfeit the sum of Twenty shillings for every gallon of such spirits which shall be so deficient: Provided always, that no such distiller shall be liable to such last-mentioned penalties in any case where such excess or decrease shall not exceed four gallons of proof spirit per centum on the quantity of spirits formed by the balance left on the last stocking and the quantity since duly brought into stock by the spirit receiver, if such last stocking be no farther distant than seven days, or six gallons of proof spirits per centum if more than seven days; or if such distiller shall prove to the satisfaction of the Excise Surveyor that such decrease did not result from any fraud practised or intended.

45. No methylation of spirits shall take place without the special permission in writing of the Resident Magistrate first had and obtained; such permission to be granted by such Resident Magistrate upon and subject to such regulations as the Lieutenant Governor may make and issue in that behalf; and in the event of spirits being so methylated by such permission and under such rules, the spirits so methylated shall thereupon become exempt from duty under this Law, but shall nevertheless be in other respects subject to the like conditions as to removal and otherwise as spirituous liquors.

Methylation of spirits.

46. Every dealer in and retailer of rum or other spirits shall make true and particular entry in writing of his name and place of abode, and of every building, yard, or place by such dealer or retailer intended to be used for the selling, retailing, storing, or keeping of rum or other spirits with the Excise Surveyor of the district or circuit within which such building, yard, or place may be situated; and if any such dealer or retailer shall sell, store, keep, or have in any building, place, or yard any rum or other spirits, without having made such true and particular entry in writing of such building, place, or yard, every such dealer or retailer so offending shall forfeit the sum of Twenty-five pounds for every such building, place, or yard; and all the rum or other spirits, and the casks or vessels containing the same, which may be found in such building, yard, or place shall be forfeited, and may be seized by any Excise Surveyor or officer of Customs; and for the purposes of this Law every

Dealers in and retailers of spirits must enter their premises with Excise Surveyor.

Excise Law.

person who shall have duly made such entry as aforesaid and no other person whosoever shall be taken to be a licensed dealer in spirits or licensed retailer of spirits, as the case may be.

Dealers in and
retailers of spirits
to keep books.
Vide Law 14,
1876, § 3.

47. Every dealer in and retailer of spirits respectively shall provide himself with a book prepared according to a pattern to be given to him on his application to the [Controller of Excise], and shall on the same day on which he receives any spirits into his stock or possession, and at such time on that day as he may be requested to do so by any Excise officer, and if not so requested then at latest before the expiration of that day, write and enter in such book, and in the proper columns respectively prepared for the purpose, the date when, and the Christian and surname of the person, or the name of the firm from whom, and from what place the spirits were received, the number of gallons, and the kind or quality of the spirits and the strength thereof; and every dealer shall also on the same day on which he shall send out of his stock or possession any spirits requiring a certificate as hereinafter mentioned, and at such time on that day as he may be requested as aforesaid, and if not so requested then at latest before the expiration of that day, write and enter in like manner in the said book the day when, and the Christian and surname of the person or the name of the firm, and to what place, to whom such spirits were sent, the quantity and the kind or quality of such spirits and the strength thereof, and also the number of gallons and the fractions of a gallon at proof; and every such book shall be at all times kept in some public and open place of the entered premises of the dealer or retailer for the inspection of the Excise officers; and any Excise officer may examine such book and take any extract therefrom; and every such book, after it has been filled up as aforesaid, shall be preserved by the dealer or retailer for a period of not less than twelve months, and during such time shall be produced by him to every Excise officer demanding the same; and if any dealer or retailer shall refuse or neglect to provide such book, or to make due entries therein as aforesaid, or shall cancel, alter, obliterate, or destroy any part of such book, or any entry therein, or make any false entry therein, or hinder or obstruct any officer from or in examining such book or making any minute therein or taking any extract therefrom, or if such book shall not be preserved or not produced by the dealer or retailer as hereinbefore directed, such dealer or retailer offending herein shall forfeit the sum of Fifty pounds.

Penalty for
making false
entry.

Certificate books
to be kept by
dealers.

Vide Law 14,
1876, § 3.

And who must
issue certificates
on sale of spirits.

48. A certificate book, prepared with proper printed forms for the purposes hereinafter mentioned shall be delivered by the [Controller of Excise] to every dealer who shall request the same in writing of such [Controller of Excise], and every dealer, on receipt of such book, shall acknowledge the same in writing under such request, or as the [Controller of Excise] may direct; and no spirits whatever shall be sold, sent out, or delivered from the stock or possession of any dealer without a certificate filled up and cut out progressively from the printed forms contained in such book, and signed by the dealer or by some person on his behalf, with the addition to his signature of his occupation, certifying the person from whom, the place from whence, and the day and hour of the day when

Excise Law.

the spirits are sent out or delivered, the number of casks or other packages in which the same are sent out, the quantity and kind or quality and strength thereof, the Christian and surname of the person or the name of the firm to whom sold, and the place to which, and the conveyance by which the same are to be sent; and every dealer, before such certificate is cut from its counterpart, shall make a corresponding entry in such counterpart of the same particulars as are stated in the certificate; and such certificate shall accompany the spirits on the removal thereof, and shall be delivered to the person to whom the spirits are sold, sent out, or delivered; and every dealer shall keep the said certificate-book in some public and open part of his entered premises for the inspection of the Excise officers: and when such certificate-book is completely used by filling up the same as aforesaid, or when demanded by the Excise officer, the dealer shall return the same to the [Controller of Excise], who shall give a receipt for the same, and, if requested as aforesaid, shall thereupon deliver to him a new certificate-book, to be acknowledged and kept by him as aforesaid; and every dealer who shall sell, send out, or deliver any spirits without such certificate as aforesaid, and every dealer who shall not make a corresponding entry in the counterpart of such certificate as aforesaid, or who shall not keep or return such book as aforesaid, or who shall hinder or obstruct any officer in examining such book or making any minute therein or extract therefrom, or who shall cancel, alter, or obliterate or destroy any part of such book or any entry therein, or who shall make any false entry therein, shall forfeit the sum of Fifty pounds; and all spirits sent out or delivered as aforesaid without such certificate shall also be forfeited; but the said penalty or forfeiture shall not be incurred by reason of the strength of the spirits not agreeing with the certificate accompanying the same if the strength thereof is not more than one per centum above or two per centum below that expressed in the certificate.

*Vide Law 14,
1876, § 3.*

49. If any dealer shall cut or separate any such certificate or form of certificate from its counterpart except on the occasion of his sending out spirits from his stock, and for the purpose of the certificate, properly filled up, accompanying such spirits, or if any dealer shall cut or separate any certificate or form of certificate from its counterpart without first filling up the certificate or form with the several particulars and according to the directions herein in that behalf mentioned, he shall forfeit the sum of Fifty pounds; and upon the hearing of any information or trial for the recovery of such penalty, and upon any appeal in relation thereto, proof of the non-entry by the dealer upon the counterpart of any certificate or form cut or separated therefrom of the particulars required by law to be entered upon such certificate and counterpart respectively on the occasion of his sending out spirits, shall be sufficient evidence that the certificate or form was cut and separated by him from its counterpart not upon the occasion of his sending out spirits from his stock and for the purpose of such certificate properly filled up accompanying such spirits, and the dealer shall be convicted of such offence accordingly.

*Penalty for
cutting out
certificates with
out sending out
spirits.*

Excise Law.

Penalty for improper use of certificates.

50. If any dealer shall fill up and cut out from any certificate-book delivered to him, any certificate as for the removal of spirits from his own stock, and use such certificate, or cause or suffer the same to be used for any other purpose than to accompany the actual removal and delivery of the spirits therein expressed, or shall deliver or part with, to any person whatever, any certificate, or form of certificate, cut out from such book as aforesaid, although not filled up, or if any dealer, or other person, shall use any certificate, or form of certificate, whether filled up or not, so that the account of spirits kept or checked by any officer, or any examination of spirits by any officer is or may be frustrated or evaded, such dealer or other person so offending shall forfeit the sum of Fifty pounds, and every person having a license to deal in spirits, shall, upon being convicted of any such offence as aforesaid, forfeit such license, and no new license shall be granted to such person so convicted, for the remainder of the current year of any license so forfeited.

Penalty on dealers or retailers buying spirits from unlicensed distiller or dealer.

51. Any dealer in or retailer of rum or other spirits, or any person in the employment of such dealer or retailer, or any other person who shall receive or buy any spirits from any person or persons whomsoever, except from some person licensed to use a still under this Law, or from some licensed dealer in or retailer of spirits, or at some public sale of spirits condemned and sold under the directions of the [Controller of Excise], and any person who shall receive or buy from any distiller any quantity of rum less than fifteen gallons contained in one cask, shall for every such offence forfeit the sum of One hundred pounds: Provided always, nevertheless, that no person shall be liable to such last-mentioned penalty for or by reason of the receipt of any British or Colonial or Foreign spirits legally imported into this Colony, and in respect whereof the duties of import shall have been duly paid; but in every case where any question shall arise whether such spirits have been legally imported into this Colony, or whether the duties of import on the same have been duly paid and satisfied, the burthen of proving the same shall be on the person in whose possession such spirits shall be found.

Vide Law 14, 1876, § 3.

Exception as to foreign spirits.

Excise Surveyor may enter premises of dealer or retailer, and take account of spirits.

52. It shall and may be lawful for every Excise Surveyor within his district or circuit, and every officer of Customs, from time to time, and at all times in the daytime after request, to enter into any house, warehouse, storehouse, room, shop, cellar, vault, or other place, made use of by any dealer in or retailer of spirits for the laying or keeping of any spirits, and by tasting, gauging, or otherwise, to take an account of the quantity and quality and strength respectively of all or any such spirits which shall be in the custody or possession of such dealer or retailer, and to take at any time or times a sample or samples of any such spirits, paying for the same the usual price thereof if demanded.

Excise Surveyor may remain in premises of distiller.

53. Any Excise Surveyor appointed under this Law may remain at and upon the premises of any distiller for such time as he may deem necessary, and during the time that any Excise Surveyor shall be residing at the premises of any distiller, the said distiller or person in charge of such distillery shall each day produce to the

Excise Law.

Excise Surveyor for his subscription thereto the day-book belonging to such distillery, and if required by said Excise Surveyor shall deliver such day-book into the custody of such Excise Surveyor.

54. Every Excise Surveyor and officer of Customs shall and may, as often and at such times as he may think fit, take an accurate and true account of the quantity and strength of all rum and other spirits in the stock, custody, or possession of every dealer in or retailer of spirits, and shall compute the same at the strength of hydrometer proof, and if, after making allowance for the rum and other spirits for which permits or certificates shall have been granted since the last account taken of the stock of such dealer or retailer, computing the same at the strength aforesaid, it shall be found that the quantity of spirits remaining in the stock, custody, or possession of such dealer or retailer shall exceed the quantity of which such dealer or retailer ought to have on hand, according to the books or account of the Excise Surveyor of the circuit or district, whether such excess shall have arisen from what was on hand at the last preceding account taken, or from what may have been legally received subsequent thereto, such excess shall be deemed and taken to be spirits illegally received, and a quantity of spirits of the like kind equal to such excess shall and may be seized out of any part of the stock of such retailer or dealer by any Excise Surveyor or officer of Customs, and the dealer or retailer in whose stock, custody, or possession such excess shall be found shall forfeit the sum of ten shillings for every gallon of such excess.

Excise Surveyor shall take an account of spirits on dealer's or retailer's premises.

55. If any dealer in or retailer of spirits, or any other person, shall send out, deliver, or remove from, or shall receive into his stock, custody, or possession, any rum or other spirits, which require to be accompanied by a permit or certificate, without the same being accompanied by a permit or certificate, or if any carrier, boatman, or other person shall, knowingly, carry, remove, transport, or, by means of his horse, cattle, cart, wagon, vessel, boat, or other conveyance whatever, shall knowingly suffer to be carried, removed, or transported, or shall be aiding or assisting in carrying, removing, or transporting from any part of this Colony to any other part thereof any rum or other spirits which by Law ought and are required to be accompanied with a permit or certificate, without being accompanied with such permit or certificate in that behalf, every such dealer, retailer, carrier, boatman, or other person whosoever, shall for each and every such offence forfeit and pay the sum of One hundred pounds sterling, over and above every other penalty and forfeiture to which he is or may be liable, by virtue of this Law, and all such rum or other spirits, and the packages or vessels in which the same shall be contained, and every such horse, cart, wagon, vessel, boat, and other conveyance, and all such cattle, shall be forfeited and may be seized by any Excise Surveyor or officer of Customs.

Penalty on dealer, retailer, carrier, &c., receiving or removing spirits without permit.

56. No dealer in, or retailer of spirits, shall have credit in stock for any greater quantity of spirits received or found in his stock than for the quantity computed at proof, brought in by, and expressed in, the permit or permits, or certificate or certificates accompanying such spirits, and delivered to the proper officer.

Dealer or retailer not to have credit for more spirits than appear by certificate.

Excise Law.

Excise Surveyors, &c., may detain persons wrongfully conveying spirits.

57. It shall and may be lawful for any Excise Surveyor or officer of Customs to stop and detain any person whom he shall reasonably suppose to be removing or carrying any spirits of any kind, and to search and examine any package of whatever description which he shall reasonably suppose to contain any spirits, and to demand the production of the permit or permits, or certificate or certificates accompanying such spirits, and on being satisfied that the spirits are the same in quantity, quality, sort, or kind, and strength, as expressed in such permit or certificate, such Excise Surveyor or officer shall endorse on such permit or certificate, the day, hour, and place of such examination, and shall sign his name thereto, and if any person who shall be found removing or carrying any such spirits which are by law required to be accompanied with a permit or certificate, shall refuse to produce such permit or certificate immediately on being required so to do by any Excise Surveyor or officer of Customs, or shall be found removing or carrying any such spirits without a lawful permit or certificate, every such person shall, for every such offence, forfeit the sum of Twenty-five pounds, and it shall be lawful for every such Excise Surveyor or officer of Customs, and he is hereby authorised, empowered, and required to stop, arrest, and detain every such person, and to convey every such person, together with the spirits so being removed or carried by or with him, to the nearest Resident Magistrate, and such Magistrate is hereby required, and shall have full power and authority to hear and determine forthwith any information against any such person so stopped or arrested under the provisions of this Law, and the confession of any such person, or upon proof on oath by one or more credible witness or witnesses, to convict such person in such penalty as aforesaid; and no such penalty shall be mitigated by such Magistrate below one-fourth part thereof, and every such person so convicted as aforesaid shall immediately on such conviction pay down into the hands of such Magistrate the said penalty in which he shall be so convicted; and if any such person so convicted shall not forthwith pay down the said penalty, the said Magistrate shall, and he is hereby authorised and required by warrant under his hand, to adjudge the person so convicted as aforesaid to be imprisoned in the common gaol of his county or division, with or without hard labour, for any time not exceeding three months, unless such penalty be sooner paid.

Casks used by dealer or retailer must be entered with Excise Surveyor.

58. And for enabling the Excise Surveyors and officers of Customs the more readily to take account of the stock of spirits of dealers and retailers: Be it further enacted, that all standing or fixed casks used by any dealer in or retailer of spirits, for the keeping in stock of any spirits, shall, before the same be made use of, be duly entered by such dealers and retailers respectively, with the Excise Surveyor of the district, upon pain of forfeiture by the person or persons in whose stock the same shall be found of the sum of Twenty-five pounds for every such cask which shall have been so used without having been duly entered as aforesaid, and also of every such cask with the liquor contained therein, and upon every such cask used by any such dealer in or retailer of spirits, for holding or keeping any spirits in stock, such distinguishing number

Excise Law.

as shall be directed by the Excise Surveyor of the district, its full measure in gallons, or the quantity of liquor it is capable of containing, and also the name of the quality, sort, or kind of spirits kept or contained therein, shall be legibly painted, cut, or branded on some conspicuous part thereof, upon pain that the dealer or retailer in whose custody or possession any cask so used shall be found, not having such full measure thereof, and such particulars as aforesaid painted, cut, or branded thereon as aforesaid, or containing a different quality, sort or kind of spirits from what shall be painted, cut, or branded thereon as aforesaid, shall forfeit the sum of Twenty-five pounds for every such default, omission, or offence, as aforesaid.

59. For every cask of rum or other spirits removed, delivered, or received from the stock of any distiller or dealer in spirits, to the stock of any retailer of spirits, a separate and distinct permit or certificate shall be granted, which permit or certificate shall, before the removal of such cask, be pasted or glued upon one of the ends of such casks, in such manner that the number and marks mentioned in such permit or certificate may be read and compared with the number and marks marked, painted, or branded on such cask; and if any rum or other spirits shall be removed from the stock of any distiller or dealer, for the purpose of being received into the stock of any retailer of spirits, or shall be received into the stock of any retailer of spirits without having such permit or certificate pasted or glued upon such cask in the manner hereinbefore directed, such rum or other spirits shall be forfeited, and may be seized by any Excise Surveyor or officer of Customs, and every such distiller, dealer, or retailer so offending, shall for every such offence forfeit the sum of Twenty-five pounds.

District permits must be given on spirits removed from distiller, dealer, or retailer.

60. No retailer of spirits shall be a distiller of spirits, or be in any manner interested or concerned in the trade or business of a distiller of spirits, and if any such retailer shall be a distiller of spirits, or shall have any part or share in any distillery, or be in any manner interested or concerned in the trade or business of a distiller of spirits, such retailer shall for every such offence forfeit and lose the sum of One hundred pounds.

Retailers of spirits shall not be distillers.

61. If any person shall knowingly sell or deliver, or cause to be sold or delivered, directly or indirectly, any quantity of rum or other spirits to any other person, to the end that the same may be unlawfully retailed or consumed in any part of this Colony, such person so offending shall for every such offence forfeit over and above all other penalties, the sum of One hundred pounds.

Penalty on persons unlawfully selling spirits.

62. If any person shall knowingly receive, buy, or have in his custody or possession any rum or other spirits removed from the place where the same ought to have been charged and paid with the duty payable in respect thereof, before the duty to which the same shall be liable has been charged and paid, or before such rum or other spirits have been lawfully condemned as forfeited, the person offending therein, whether he had or had not, or do or do not claim or pretend to have any interest or property therein, shall for every such offence forfeit the sum of Fifty pounds, and also the spirits so received, bought, or had in his custody or possession.

Penalty for unlawfully buying spirits.

Excise Law.

Forms to be supplied by Controller of Excise.

Vide Law 14, 1876, § 3.

Spirits not to be imported overland except by permission of Controller of Excise.

Vide Law 14, 1876, § 3.

Offenders first informing to be indemnified.

Penalty for wrongful rescue.

63. The several entries, notices, declarations, books, accounts, returns, request-notes, certificates, and permits required or directed by this Law, shall and may be in such respective forms as the [Controller of Excise] may from time to time direct, and it shall not be necessary to prove on the trial of any complaint or information, or in any other proceeding for any offence against this Law, the particular order or direction of the [Controller of Excise] in that behalf.

64. It shall not be lawful for any person or persons to bring into this Colony overland any spirits whatsoever, in any quantity exceeding two gallons at any one time, except with the permission in writing of the [Controller of Excise] first had and obtained; and any spirits so brought into this Colony overland without such permission in writing, shall be forfeited, together with the casks or vessels containing such spirits, and the person or persons so offending, and the person or persons found in custody or possession of such spirits, shall on conviction thereof before a competent Court, each be liable to a fine not exceeding Twenty-five pounds, or, in default of payment of such fine, to imprisonment with or without hard labour for any term not exceeding one year, as to such Court shall seem fit: Provided that nothing in this clause contained shall apply to spirits upon which duty has been paid in Natal.

65. On the commission of any offence under this Law, either of the offending parties who shall first discover and inform against the other or others of such offending parties before any information has been lodged against such informing party for such offence, shall, upon conviction of the person or persons against whom such information shall be given, be discharged and acquitted from all penalties to which at the time of such information given, such informing party might have been liable for, or, by reason of any such offence, committed by such informing party, and the evidence of such informing party shall on any trial at law touching such offence be admitted to prove the facts thereof or relating thereto.

66. If any person shall, armed with a gun, pistol, sword, or pike, or in any violent manner with staves, or stones, or any other instrument, rescue any offender arrested, or any goods or chattels seized under this Law, or shall prevent such arrest or seizure, or shall assault, beat, or wound any Excise Surveyor or officer of Customs, or police constable, or other officer or person acting in their aid or assistance, or any person who shall have given, or be about to give any information against, or shall have discovered or given evidence against, or be about to discover, or give evidence against, or shall seize, or bring to justice any person offending against this Law, or who shall have seized or be about to seize or examine any goods or chattels forfeited under this Law, or shall forcibly oppose the execution of any of the powers given by this Law, or who, being armed or with such violence as aforesaid, shall offer or threaten to do so, then every person so offending, and his aiders and abettors thereof lawfully convicted, shall, on conviction thereof before a competent Court, be liable to imprisonment, with or without hard labour, for such term, not exceeding four years, as to the Court by and before whom they shall be convicted shall seem fit.

Excise Law.

67. If any constable shall refuse or neglect, upon due notice or request, or on his own view, to be aiding and assisting, or to proceed as aforesaid in the execution of this Law, such constable being thereof convicted by the oath of one or more credible witness or witnesses before the Resident Magistrate for the county or division where such offence shall be committed, shall forfeit for every such offence the sum of Ten pounds, and in default of immediate payment thereof, shall be committed to imprisonment, with or without hard labour, for any term not exceeding three calendar months, as to such Resident Magistrate shall seem fit.

Penalty on constables not aiding.

68. If any Excise Surveyor or officer of Customs, or other person employed in the execution of this Law, shall directly or indirectly ask or demand, or take or receive any sum of money or other recompense or reward whatsoever, or any security for any sum of money, or other recompense or reward, or acquiesce in, or make, or enter into any collusive agreement with any person to do, conceal, or connive at any act or thing whereby any of the provisions of this Law shall or may be evaded or broken, or Her Majesty's revenue defrauded, or to do or perform, or permit or suffer to be done or performed any act or thing whatsoever, contrary to the duty of such Excise Surveyor or officer of Customs, or person so employed as aforesaid, every such Excise Surveyor, officer of Customs, or person so employed, offending as aforesaid, shall for each and every such offence forfeit the sum of One hundred pounds, and being thereof duly convicted, shall be incapable of thereafter serving Her Majesty in any office or employment whatsoever in this Colony; and every person who shall, directly or indirectly, give, or offer, or promise to give to any Excise Surveyor, officer of Customs, or other person so employed as aforesaid, any sum of money or other recompense or reward whatsoever, or shall propose, make, or enter into any collusive agreement with any Excise Surveyor, officer of Customs, or person so employed as last aforesaid, to do, conceal, or connive at any act or thing, whereby any of the provisions of this Law shall or may be evaded or broken, or Her Majesty's revenue defrauded, or to do or perform any act or thing whatsoever, contrary to the duty of such Excise Surveyor, officer of Customs, or person so employed as aforesaid, or to neglect or omit to do or perform any act or thing whatever belonging or appertaining to the business or duty of such Excise Surveyor, officer of Customs, or person so employed as aforesaid, shall for each and every such offence, whether such sum of money or other reward or promise of, or security for the same or such agreement be received, accepted, entered into, performed or not, forfeit the sum of One hundred pounds: Provided always that in case any such Excise Surveyor, officer of Customs, or person so employed as aforesaid, who shall have, directly or indirectly, asked or demanded or taken or received any such sum of money or other recompense or reward, or any promise of or security for the same, or acquiesced or made or entered into any such collusive agreement, shall, before any complaint shall have been made or any proceedings had against him for having committed any offence as aforesaid, give information of the gift, offer, or promise to give such sum of money or other recompense or reward or security for the same, or of such

Penalty on malversation of Excise Surveyors and officers of Customs.

Excise Law.

collusive agreement proposed or made or entered into, and proceedings thereon shall be thought fit to be instituted so that such penalty as aforesaid shall be recovered against the person who shall have, directly or indirectly, given or offered or promised to give any such sum of money or other recompense or reward or security for the same; or in case the person who shall have directly or indirectly given or offered or promised to give any such sum of money or other recompense or reward or security for the same, or shall have proposed or made or entered into any such collusive agreement shall, before any complaint shall have been made or any proceedings had against him for having committed any such offence, give information of the asking or demanding, or of the taking or receiving, any such sum of money or other recompense or reward or promise of or security for the same, or of such collusive agreement acquiesced in or entered into by any Excise Surveyor, officer of Customs, or person so employed as aforesaid, and proceedings shall thereon be thought fit to be instituted, so that such penalty as aforesaid shall be recovered against such Excise Surveyor, officer of Customs, or person so employed and offending as aforesaid, then and in either of the said cases either of the said parties so first giving such information shall be exempted from and indemnified against the penalties and disabilities imposed on such party for such offence against this Law.

Penalty for obstructing Excise Surveyors.

69. If any distiller of, or any dealer in rum or other spirits, or any workman or servant belonging to, or employed or authorised by such distiller, dealer, or retailer, or if any other person shall molest, hinder, oppose, or obstruct any Excise Surveyor, officer of Customs, or police constable, or any person acting in their aid or assistance in the due execution of the powers and authorities by this Law granted, or any of them, every such distiller, dealer, or retailer, or other person so offending, shall for every such offence forfeit the sum of Twenty-five pounds.

Sub-receivers' acts to be valid.
Vide Law 14, 1876, § 3.

70. Every act, matter, or thing required by this Law to be done or performed by the [Controller of Excise] being done or performed by any sub-receiver, appointed by the Lieutenant Governor, within any county or division of the Colony for which any such sub-receiver may by the Lieutenant Governor be authorised to act, or by any officer of Customs appointed by the [Controller of Excise] for such purpose, shall be deemed to be done or performed by the [Controller of Excise].

Certificate of Controller of Excise to be sufficient proof.
Vide Law 14, 1876, § 3.

71. Where, on any indictment, plaint, information, or proceeding for the recovery of any penalty or forfeiture under this Law, any question shall arise whether any person was or was not a duly licensed distiller at the time of committing the offence mentioned therein, a certificate purporting to be signed by the [Controller of Excise] that such person was or was not so duly licensed as aforesaid shall be obtained, and the same shall be sufficient proof of the fact stated in such certificate.

Appropriation of penalties.

72. All penalties and forfeitures incurred and recovered under or by virtue of this Law, shall be distributed, one moiety thereof to Her Majesty, her heirs, and successors, for the uses of the

Excise Law.

Government of this Colony, and the other moiety to the Excise Surveyor, officer of Customs, or police constable, or other the person or persons who shall discover or inform of the same.

73. Where any person shall be lawfully convicted of any offence against any of the provisions of this Law, and the pecuniary penalty imposed for such offence shall not be paid and cannot be levied, or the person incurring such penalty is not able to pay the same but in lieu thereof is sent to prison, it shall and may be lawful for the Governor to cause such reward as he shall think fit, not exceeding Twenty-five pounds in each case, to be paid out of the Colonial Treasury to the Excise Surveyor or officer of Customs or police constable who shall have discovered or informed of such offence.

Governor may reward informant out of Colonial revenues.

74. Every person who shall contravene any of the provisions of this Law, or any part thereof for which no provision has been specially made, shall, on conviction thereof, be subject to any penalty not exceeding Fifty pounds, or, in the event of non-payment of any such penalty, to any period of imprisonment, either with or without hard labour, for any period not exceeding six months.

Penalty for offences not provided for.

75. Every breach of this Law or any part thereof, or any act, matter, or thing required to be done and not so done under and in accordance with the provisions thereof or any of them, or any act, matter, or thing which is forbidden, or which when done would be contrary to the provisions of this Law or any one of them, or any proceeding which would be in any way in breach of the said Law or any part thereof, shall be deemed and taken to be contraventions of the said Law, and be indictable.

What are contraventions of this Law.

76. All contraventions of this Law for which no higher penalty is imposed by this Law than Twenty-five pounds, which do not involve any forfeiture under this Law, may be prosecuted at the instance of the Clerk of the Peace, or of any officer specially deputed by the Attorney General in that behalf, in the Court of the Resident Magistrate having jurisdiction; and all contraventions for which a higher penalty than the above is imposed, or which involve any such forfeiture, shall, unless otherwise specially provided, be prosecuted by indictment by the Attorney General at the suit of the Queen in the usual manner before the Supreme Court or any Circuit Court; and in the latter case, it shall not be necessary for the prosecutor to show, nor shall it be material, whether the contravention charged was committed within the jurisdiction of such Circuit Court: Provided, however, that it appear that such contravention occurred within the Colony.

How penalty may be prosecuted for.

77. All contraventions of this Law, which may under the foregoing section be prosecuted before any Magistrate's Court, may be tried and prosecuted in the Court of any Resident Magistrate in the county or division in which any still may be found erected, or through which or through part of which any such still or any spirits shall have been conveyed.

Before what Magistrate penalties may be prosecuted for.

78. The recognisance and bond of any person, as required and provided by this Law, shall be considered due and to be a liquid document of debt due to the Queen by such surety, and proper for granting of a provisional sentence in every case in which there shall be shown any single breach of the conditions thereof by the principal,

Recognisances under this Law may be sued upon for provisional sentence on any breach of conditions, whether

Excise Law.—Durban Circuit Court.

SCHEDULE B.

Form of Recognizance.

Before me, _____, Resident Magistrate
of _____, of _____, on
the _____ day of _____, 18____, appeared A. B.,
residing at _____, and C. D. and E. F., of
_____, who acknowledge themselves
to be jointly and severally indebted to Our Sovereign Lady the
Queen, her heirs and successors, in the sum of One hundred pounds
sterling, to be levied upon their and each of their goods, chattels,
and property, moveable and immoveable, upon condition that if
_____, to whom a license is about to be
granted to distil spirituous liquors under the provisions of the Law
No. 14 of 1868, shall well and truly observe and perform all the
provisions of the laws now in force concerning the distillation, sale,
and removal of spirits distilled in this Colony required to be ob-
served and performed on his part as such licensed distiller, then this
recognizance to be void, or else to remain in full force.

A. B.
C. D.
E. F.

Before me,
Resident Magistrate of the _____

Given at Government House, this 16th day of September,
1868.

By command of His Excellency the Lieutenant Governor,

(Signed) _____ D. ERSKINE,
Colonial Secretary.

LAW No. 15, 1868.

(Signed) ROBT. W. KEATE.

*Law to amend the Law No. 9, 1866, entitled, "Law for making
"Better Provision for the Holding of the Circuit Court for the
"District of Durban."*

WHEREAS, by the said Law No. 9, 1866, entitled, "Law for
"making Better Provision for the Holding of the Circuit Court for
"the District of Durban," provision was made to continue the
sittings of the said Circuit Court for the District of Durban by
adjournment over from one vacation to another during which the

*Preamble.
Vide Law 9,
1866.*

Durban Circuit Court.

Supreme Court should not be sitting; and whereas the holding of such Circuit Court during every vacation month of the Supreme Court for the entire period of said month has been found to be attended with unnecessary expense, and it is therefore expedient to limit the time within which the sittings of the said Circuit Court for the District of Durban may be held:

Be it therefore enacted, by the Lieutenant Governor of Natal with the advice and consent of the Legislative Council thereof, as follows:

Section 1 of
Law No. 9, 1866,
repealed.

1. Section one of the said Law No. 9, 1866, shall be and the same is hereby repealed, without prejudice to the adjournment of said Circuit Court to the Fifth day of October next already made thereunder.

Circuit Court at
Durban in Octo-
ber, 1868.

2. A Circuit Court for the District of Durban shall be held in accordance with said adjournment on the Fifth day of October next, and during such Circuit Court a Criminal Session thereof shall commence on the Twelfth day of October next, and continue until the whole Criminal business shall be disposed of: Provided, however, that the Judge presiding at such Circuit Court shall not continue the sitting thereof for any longer period than twelve lawful days consecutively in said month of October from the said Fifth day of October inclusive, unless any civil cause which shall have been commenced during such sitting shall not be concluded at end of said period of twelve days; in which case, said Judge may continue such sitting until such cause shall be concluded.

Not to extend to
more than twelve
days.

Future Circuit
Courts at Durban
to be held on
second Thursday
of each vacation
month of
Supreme Court.

3. In and after the month of December next a Circuit Court for the District of Durban shall be held on the second Thursday of each month during the vacations of the Supreme Court, anything in the said Law No. 9, 1866, to the contrary notwithstanding; and a Session of said Court for Criminal business shall commence on the Wednesday of such month next following such Thursday, and shall continue and be held until the whole Criminal business be disposed of.

Judge not to
continue sittings
beyond twelve
days.

4. The Judge presiding at any Session of any Circuit Court for the District of Durban held during any vacation of the Supreme Court shall not continue the sitting of such Circuit Court for any longer period than twelve lawful days consecutively in any one month: Provided, if any civil cause shall have been commenced during any such sitting, and not be concluded at end of said period of twelve days, such Judge may continue such sitting until such cause shall be concluded.

Exception.

Law No. 9, 1866,
not repealed.

5. Nothing in this Law contained shall be deemed in anywise to alter or repeal any of the other provisions of said Law No. 9, 1866.

Commencement
of Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 16th day of September,
1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Laws Expired.

LAW No. 16, 1868.

Law to impose a Temporary Increase in the Postage on Inland Letters.

Expired.

LAW No. 17, 1868.

Law to enable the Lieutenant Governor to raise the necessary Means to repair the Damage caused to the Public Roads and Bridges of the Colony by the recent Flood.

Expired.

LAW No. 18, 1868.

Law to suspend for Two Years the operation of Ordinance No. 3, 1850, section 3, and Portion of Section 53 of Ordinance No. 32, 1846; and during such suspension, to levy certain Stamp Duties and Fees in lieu of the Duties, Licenses, and Fees imposed thereby.

Expired.

LAW No. 19, 1868.

Law for making further provision for the service of the year 1867.

LAW No. 20, 1868.

Law for authorising a further Expenditure, not exceeding £1,756 9s. 9d., for the Construction of Public Works during the years 1867 and 1868.

Insolvent Law Amendment.

LAW No. 21, 1868.

(Signed) ROBT. W. KEATE.

Law to amend the Law in relation to Trust Deeds for the benefit of Creditors, Composition Deeds, and Inspectorship Deeds executed by Debtors.

Preamble.

WHEREAS, it is expedient to amend the Law in relation to trust deeds for the benefit of creditors, composition and inspectorship deeds executed by debtors:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Composition deeds, &c., to be binding upon all creditors if following conditions observed.
Vide Law 11, 1869, § 1.

1. Every deed or instrument made or entered into between a debtor and his creditors or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor and his release therefrom, or the distribution, inspection, management, and winding-up of his estate, or any of such matters, shall be as valid, effectual, and binding on all the creditors of such debtor as if they were parties to and had duly executed the same: Provided the following conditions be observed, that is to say:

Conditions to be observed.

1. A majority in number, representing three-fourths in value, of the creditors of such debtor whose debts shall respectively amount to Ten pounds and upwards shall, before or after the execution thereof by the debtor, in writing assent to or approve of such deed or instrument.
2. If a trustee or trustees be appointed by such deed or instrument, such trustee or trustees shall execute the same.
3. The execution of such deed or instrument by the debtor shall be attested by a Notary Public.
4. Within twenty-eight days from the day of the execution of such deed or instrument by the debtor, the same shall be produced and left with the Master of the Supreme Court of this Colony for the purpose of being registered.
5. Together with such deed or instrument there shall be delivered to the said Master an affidavit by the debtor or some person able to depose thereto, or a certificate by the trustee or trustees, that a majority in number, representing three-fourths in value, of the creditors of the debtor whose debts amount to Ten pounds or upwards, have in writing assented to or approved of such deed or instrument; and also stating the amount, in value, of the property and credits of the debtor comprised in such deed.

Vide Law 11, 1869, § 2.

Insolvent Law Amendment.

6. Immediately on the execution thereof by the debtor, possession of all the property comprised therein of which the debtor can give or order possession shall be given to the trustee or trustees.
7. And immediately on the execution of any such deed, a notice thereof in writing, specifying the immoveable property and rights affecting immoveable property conveyed thereby, shall be given by the debtor or the trustee to the Registrar of Deeds.

2. The date, names, and descriptions of the parties to every such deed or instrument, not including the creditors, together with a short statement of the nature and effect thereof, shall be entered by the said Master in a book to be kept exclusively for the purposes of such registration. Such entry shall be made within forty-eight hours after the deed shall have been left with the said Master, and a copy of such entry shall be published in the *Natal Government Gazette*, within ten days from the making of such entry.

Master of Supreme Court must register such deeds, and advertise them in *Gazette*.

3. Every deed, instrument, or agreement whatsoever, by which a debtor, not having been adjudged an insolvent by virtue of Ordinance No. 24, 1846, or any other Law which may be in force in this Colony on such behalf, conveys, or covenants, or agrees to convey, his estate and effects, or the principal part thereof, for the benefit of his creditors, or makes any arrangement or agreement with his creditors, or any person on their behalf, for the distribution, inspection, conduct, management, or winding-up of his affairs or estate, or the release or discharge of such debtor from his debts or liabilities, shall, within twenty-eight days from and after the execution thereof by such debtor, or within such further time as the Supreme Court, or any Judge thereof, sitting in Chambers, shall allow, be registered in the office of the Master of the Supreme Court, and in default thereof shall not be received in evidence.

All composition deeds, &c., between a debtor and his creditors must be registered.

4. Every such deed, on being so registered as aforesaid, shall have a memorandum thereof written on the face of such deed, stating the day, and the hour of the day, at which the same was brought into the office of the said Master for registration.

Master of Court must attach memorandum to such deeds.

5. From and after the registration of every such deed or instrument in manner as aforesaid, the debtor and creditors, and trustees, parties to such deed, or who have assented thereto, or are bound thereby, shall, in all matters relating to the estate and effects of such debtor, be subject to the jurisdiction which the Courts of this Colony have in virtue of Ordinance No. 24, 1846, entitled, "Ordinance for regulating the due collection, administration, and distribution of insolvent estates within the District of Natal," the Law No. 27, 1868, entitled, "Law to amend Ordinance No. 24, 1846, entitled, 'Ordinance for regulating the due collection, administration, and distribution of insolvent estates within the District of Natal;'" and the Law No. 7, 1866, entitled, "Law to amend the Ordinance No. 24, 1846, entitled, 'Ordinance for regulating the due collection, administration, and distribution of insolvent estates within the District of Natal, and to make provisions to secure a more expeditious appointment of

Provisions of Insolvent Laws extended to the parties to such deeds.

Vide Ord. 24, 1846; Law 27, 1868; and Law 7, 1866.

Insolvent Law Amendment.

“ trustees, and liquidation and distribution of such estates ; ” or other Law which may hereafter be in force in this Colony in such behalf, and shall respectively have the benefit of, and be liable to, all the provisions of such Ordinance and Laws, in the same or like manner as if the debtor had been adjudged insolvent thereunder, and the creditors had proved, and the trustees of such deed or instrument had been appointed trustees of such debtor's estate under such Ordinance and Laws, and the trustees of any such deed or instrument, and the creditors under the same, shall, as between themselves respectively, and as between themselves and the debtor, and against third parties, have the same powers, rights, and remedies, with respect to the debtor and his estate and effects, and the collection and recovery of the same, as are possessed or may be used or exercised by trustees of insolvent estates, or creditors, with respect to the insolvent, or his acts, estate, or effects in insolvency ; and except where the deed shall expressly provide otherwise, such Courts shall determine all questions arising under the deed according to the law and practice of this Colony in insolvency, so far as they may be applicable, and shall have power to make and enforce all such orders, as they would respectively be authorised to do if the debtor in such deed had been adjudged insolvent under such Ordinance or Laws.

Execution
against debtor
to be stayed,
except against
absconding
debtors.

6. After notice of the filing and registration of such deed has been given as aforesaid, no execution or other process against the debtor's property in respect of any debt, and no process against his person in respect of any debt, other than such process as may be had against a debtor about to depart out of the Colony, or property about to be conveyed out of the Colony, shall be available to any creditor or claimant, without leave of the Supreme Court, or of any Judge thereof sitting at Chambers, or at any Circuit Court, and a certificate of the filing and registration of such deed, under the hand of the said Master, and the seal of the Supreme Court, shall be available to the debtor for all purposes of a protection against any process or execution, save as is in this clause mentioned.

Petition for
sequestration
against debtor
maybe dismissed.

7. In case of any petition for sequestration against a debtor, after the execution of such deed or instrument as is hereinbefore described, and pending the time allowed for the registration of such deed or instrument, all proceedings under such petition may be stayed if the Court shall think fit, and in case such deed or instrument shall be duly registered as aforesaid, the petition shall be dismissed.

Provision as to
unknown
creditors.

8. If a debtor cannot obtain the assent of a majority in number representing three-fourths in value of his creditors, by reason of his being unable to ascertain by whom bills of exchange, promissory notes, or other negotiable securities, accepted, drawn, made, or endorsed by him, are held, or by reason of the absence of creditors in a foreign country, or other similar circumstances, it shall be sufficient if he obtain the consent of a majority in number, representing three-fourths in value, of all his other creditors to such deed or instrument as aforesaid : Provided that notice shall have been inserted by or on behalf of the debtor in the *Government Gazette*, and in one or more newspapers published in the county or place at

Insolvent Law Amendment.

which he shall have carried on business, immediately prior to the date of such deed or instrument, or if there should be no newspaper published in that town or place, then in one or more newspapers published in the City of Pietermaritzburg or the Town of Durban, requiring his creditors to signify their assent or dissent from such deed or instrument, by notice in writing addressed to the trustees thereof, within fourteen days from the insertion of such notice, and that the affidavit or certificate of the trustee or trustees shall state the circumstances of the case, and the same shall be allowed by the Court: Provided the deed or instrument be in such form as is expressed in the Schedule A to this Law annexed, which shall vest all the estate and effects of the debtor in the trustees of such deed, and provided that all such other conditions as are hereinbefore required be duly complied with.

9. Where the estate of any debtor shall have been placed under sequestration, in virtue of said Ordinance No. 24, 1846, or any Law which may be hereafter in force in such behalf, and such debtor shall have been examined under said Ordinance or Law, and it shall be made to appear to the satisfaction of the Supreme Court, or of any Circuit Court, that a majority in number, representing three-fourths in value of the creditors within the Colony of any debtor, are desirous that the estate of such debtor shall be wound up, under a deed of arrangement, composition or otherwise, the Court shall order all proceedings under said Ordinance or Law to be stayed, for such a period as the Court shall think fit, and in such case the debtor, or any creditor of the estate, may at any time within the period during which the proceedings are so stayed, produce to the Court a deed of arrangement or composition, signed by or on behalf of a majority in number, representing three-fourths in value of creditors in the Colony, of such debtor, and the Court may consider the same, and may examine on oath the debtor and any of the creditors who may desire to be heard in support of, or in opposition to, the deed, and may make such other inquiry as it may think necessary; and if the Court shall be satisfied that the deed complies with the provisions of the first section hereof, and that its terms are reasonable, and calculated to benefit the non-assenting creditors of such debtor, it may, by order, direct the same to be registered with the Master of the Supreme Court, and may also release such estate from sequestration, and cancel any former orders as it shall think fit touching the debtor or debtor's estate, and such deed shall be thereafter as binding as if it were a deed under the provisions of the first section hereof.

Estates under sequestration may be released if a composition deed shall be executed with the sanction of the Court.

Vide Law 11, 1860, § 7.

10. In every such last mentioned case, the Court may, if it shall think fit, make such order and direction for the winding-up of the debtor's estate, under and in accordance with such deed of arrangement or composition, but subject to such order and directions as the Court shall from time to time make on that behalf.

Court may impose conditions.

11. Nothing in this Law contained shall dispense with the necessity of transfer before the Registrar of Deeds of any immovable property comprised in any deed within the provisions of this Law in any case in which such immovable property could or ought to be so transferred if comprised in any deed of sale, or the like, not

Transfer of land by debtor necessary.

Insolvent Law Amendment.

under this Law, in order that the *dominium* of such immoveable property shall pass from such debtor, but upon any transfer to the trustee of any deed under this Law, in such his capacity, the sum of Five pounds may be paid in lieu of transfer dues.

Mortgages, how
affected.

12. Nothing contained in this Law shall authorize the mortgage, or other like demands of any non-assenting creditor, being affected otherwise than is provided for by the said Law No. 27, 1863.

Fees to be paid.
Vide Law 11,
1869, § 11.

13. The fees specified in Schedule B to this Law annexed, shall be paid in respect of the matters and things therein mentioned, and shall be paid into the Colonial Treasury in the same manner as other fees of office.

Commencement
of Law.

14. This Law shall take effect from the promulgation thereof in the *Government Gazette*.

Schedules.

SCHEDULE A.

This deed, made the _____ day of _____
between A. B. (*the debtor*)
and C. D. and E. F. (*the trustees*), on behalf and with the assent
of the undersigned creditors of A. B.; witnesseth that A. B.
hereby conveys all his estate and effects to C. D. and E. F. abso-
lutely, to be applied and administered for the benefit of the creditors
of A. B., in like manner as if A. B. had been at the date hereof
duly adjudged insolvent.

In witnesses whereof, &c.

(Signed) A. B.

Schedule of Creditors.

SCHEDULE B.

Schedule of Fees.

	£	s.	d.
To Master of Supreme Court for Registering Trust Deed, &c., making out Entry, advertising same in <i>Gazette</i> , and making out memorandum ...	0	10	6
For certificate and seal of Court under section 6 ...	0	2	6
For registrations under sections 3 and 9 only ...	0	1	6

Given at Government House, this 16th day of September,
1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Intercolonial Insolvency Law.

LAW No. 22, 1868.

(Signed) ROBT. W. KEATE.

Law to give effect to Process of Insolvency instituted in the Colony of the Cape of Good Hope as regards Immoveable Property of the Insolvent Estates situate within this Colony.

WHEREAS it is desirable that facilities should be given in this Colony, and in the Colony of the Cape of Good Hope respectively, for carrying into effect in each Colony, as regards immoveable property therein situate, all orders lawfully made in the other for placing under sequestration any estate as insolvent :

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. Whenever any estate of any person, deceased person, partnership, or corporation, shall be placed under sequestration as insolvent, by the order of any Court of competent jurisdiction in the Colony of the Cape of Good Hope, and it shall appear to such Court that there is immoveable property situate in this Colony belonging at the date of such order to the insolvent estate, or immoveable property so situate to which the person or persons to whom such insolvent estate in general shall for the time being be vested by the law of the Cape of Good Hope, in their capacities as such, would have claim or title if the same were situate within the Colony of the Cape of Good Hope, it shall be lawful for such persons in whom such estate in general shall, for the time being, be vested as aforesaid, to file in the office of the Registrar of the Supreme Court in this Colony, a copy of the order for sequestration made by the Court in the Cape of Good Hope, duly certified under the seal of the Court making such order, and thereupon such person or persons, and his and their successors in office, under the law of the Cape of Good Hope, shall have all the rights and claims over and upon such immoveable property, and against all persons holding, or detaining, or claiming the same, as though the estate so sequestrated as insolvent had been sequestrated by virtue of an order of sequestration duly made by the Supreme Court of this Colony having jurisdiction in the matter of such sequestration on the day on which the order of sequestration made as aforesaid by the Court in the Cape of Good Hope shall bear date, and as though such person or persons, and their successors in office as aforesaid, had been duly appointed under the law of this Colony to administer the said insolvent estate, and the same had been vested in them thereby for that purpose.

Sequestration orders of Cape to have force in Natal.

2. If, and when it shall be duly notified to the Lieutenant Governor of this Colony, that the Legislature of the Cape of Good Hope has passed an Act providing as to immoveable property, situate in the Cape of Good Hope, and at the date of any order for sequestration of any estate as insolvent made by the Supreme Court of this Colony belonging to such insolvent estate, or to which

Provision for reciprocal Cape Law.

Intercolonial Insolvency Law.—Quitrents.

immoveable property the person or persons in whom such insolvent estate in general would for the time being be vested by the law of this Colony in their capacity as such would have claim or title if the same immoveable property were situate in this Colony, that such person or persons may file in the office of the Registrar of the Supreme Court of the Cape of Good Hope, a copy of the order of sequestration made by the Supreme Court of this Colony, duly certified under the seal of the last-named Court, and that thereupon such person or persons, and his and their successors in office under the law of this Colony shall have all the rights and claims over and upon such immoveable property, and against all persons holding or detaining, or claiming the same, as though the estate so sequestered as insolvent, as aforesaid, had been sequestered by an order of sequestration, duly made by the said Supreme Court of the Cape of Good Hope, having jurisdiction in the matter of sequestration, on the day on which the order of sequestration made as aforesaid by the Supreme Court of this Colony shall bear date, and as though such person or persons, as aforesaid, and their successors in office, had been appointed under the law of the Cape of Good Hope to administer such insolvent estate, and the same had been vested in them thereby for that purpose. Then the Lieutenant Governor of this Colony shall publish in the *Government Gazette* the fact of such notification; and from and after the date of such publication, and no sooner, this Law shall take effect.

Commencement
of Law.

Short title.

3. This Law may be cited for all purposes as the "Inter-colonial Insolvency Law, 1868."

Given at Government House, this 16th day of September, 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 23, 1868.

(Signed) ROBT. W. KEATE.

Law to amend the Law No. 17, of 1865, entitled, "Law for Apportioning and Redeeming Quitrents upon the Subdivision of Fixed Property."

Preamble.

Vide Law 17,
1865, and Law 17,
1876, § 5.

WHEREAS it is expedient to amend the said Law No. 17, of 1865 :

Be it therefore enacted by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Quitrents.

1. When any apportionment of quitrent shall be made under the provisions of said Law No. 17, of 1865, on any division of any original grant, or on any subdivision of a division of any original grant, on which the quitrent shall have been already apportioned, and any arrears of quitrent shall be due on such original grant or division respectively, the Surveyor General, when making such apportionment, shall also apportion the proportion of such arrears of quitrent as are due on such division or subdivision on which the quitrent is being apportioned as aforesaid; and the Registrar of Deeds shall pass transfer of such last-mentioned division or subdivision, on proof of payment of the proportion of such arrears of quitrent as are due thereon, although the arrears of quitrent, due upon the grant or division, from which such division or subdivision was made, shall not have been paid; and such proportion of arrears of quitrent shall be paid to the officer appointed by law to receive payment of quitrents, and shall discharge the portion of land in respect of which it shall be paid, from all further liability of any such arrears: Provided, if such proportion of arrears of quitrent shall be paid by the purchaser, he shall (unless it shall have been otherwise agreed) be entitled to claim restitution thereof from the vendor, either by retaining an equivalent amount from the purchase price, or by legal process: Provided always, that nothing herein contained shall in any way affect the right of the Colonial Government in suing for the rent or otherwise insisting on the forfeitures incurred, or to be incurred by non-payment of quitrent, or otherwise as to the unredeemed portion of said grant: And provided, however, that all purchase-money payable on the said portion of land so to be transferred will be paid into the Colonial Treasury *pro tanto* in liquidation of all quitrent due on said grant.

Arrears of quitrent may be apportioned.

Registrar of Deeds to pass transfer on proof of payment of proportion of arrears.

Government's right not affected.

Purchase price of the portion of land must be paid into Treasury.

2. The Law No. 17, of 1865, entitled, "Law for apportioning "and redeeming quitrents upon the subdivision of fixed property," shall be, and the same is, hereby repealed, so far as it is repugnant to, or inconsistent with, the provisions hereof, but no further; and such Law, so far as the same is not hereby repealed, shall be read and construed along with this Law, as one Law.

Law No. 17, 1865, repealed, so far as inconsistent.

3. In this Law, the term "quitrent" shall include any additional rent, payable as fine, for non-occupation, or otherwise.

Interpretation clause.

4. This Law shall take effect from the promulgation thereof in the *Government Gazette*.

"Quitrent."
Commencement of Law.

Given at Government House, this 16th day of September 1868.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

Postage Stamps.

LAW No. 1, 1869.

Law to enable the Lieutenant Governor to impose Fees on the Registration of Native Marriages, and on certain other Customs and Usages of the Natives, and to make provision for remunerating the Chiefs of such Natives.

Repealed by Law No. 13, 1875, § 1.

LAW No. 2, 1869.

(Signed) ROBT. W. KEATE.

Law to confine the use of Postage Stamps to the purposes of Postage.

Preamble.

WHEREAS it is desirable that postage stamps should be made use of for the purposes of postage only; and that for the purposes of postage, postage stamps alone should be made use of:

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Postage stamps not to be available for other than postage purposes.

Vide Law 3, 1869, §§ 1, 2.

1. No postage stamp which shall, from and after the [First day of September next] be affixed to any instrument or document required by the "License and Stamp Law, 1868," or any other Law or Ordinance, to be stamped, shall be deemed available by way of a stamp on such instrument or document, save only for the purposes of postage; but every instrument or document, so far as the same shall be stamped with postage stamps, shall, save for the purposes of postage, be deemed to be unstamped or insufficiently stamped, as the case may be, in like manner as if no such postage stamps had been affixed thereto, and shall be liable to all the disabilities and penalties which would attend such instrument or document, if so unstamped or insufficiently stamped as aforesaid; and every person who shall affix by way of stamp, for any purpose other than for postage purposes, a postage stamp to any instrument or document required by the said Law, or any other Law or Ordinance, to be stamped, and every person who shall receive such instrument stamped with any postage stamp, shall be liable to the same penalties and disabilities as if such postage stamp were not affixed and no stamp were affixed in stead thereof.

No other than postage stamps to be used for postage.

2. From and after the aforesaid date, no stamps other than postage stamps shall be available for the purposes of postage; and any letter, book, or packet, having affixed thereon, for the purposes of postage, any stamp other than a postage stamp, shall, so far as the same shall be stamped with stamps other than postage stamps, be deemed to be unstamped, or insufficiently stamped, as the case may be.

Postage Stamps.

3. It shall be lawful for the Lieutenant Governor, from time to time, by Proclamation, to direct, appoint, define, and describe the colour, inscription, or other distinguishing mark of stamps to be used as postage stamps, and what stamps shall be used as stamps for the purposes of "License and Stamp Law, 1868," respectively; and the term "*postage stamps*," wherever it occurs in this Law, shall be taken to mean such description of stamps as the Lieutenant Governor shall, for the time being, have so directed, appointed, defined, and described, as postage stamps.

Postage stamps, &c., to be defined by proclamation.
Vide Law 3, 1869, § 1.

4. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 23rd day of August, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 3, 1869.

(Signed) ROBT. W. KEATE.

Law to remedy an error in the Law of the present Session, entitled, "Law to confine the use of Postage Stamps to the purposes of "Postage."

WHEREAS an error has occurred in the said Law, and it is necessary to remedy such error : Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

1. The aforesaid Law is hereby amended by substituting the date "First day of September next" for the date "First day of July next," in the first section of said Law mentioned, and in the second section of said Law referred to.

Postage stamps to be used for postage only from 1st September, 1869.

Vide Law 2, 1869, §§ 1, 3.

2. This Law shall be construed with such amended Law, and shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 23rd day of August, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Treasonable Offices.—Escheats.

LAW No. 4, 1869.

(Signed) ROBT. W. KEATE.

Law to amend Section 1 of Law No. 3, 1868.

Preamble.
Vide Law 3,
1868, § 1.

WHEREAS, it is expedient to amend section 1 of Law No. 3, 1868, entitled, "Law to assimilate the Law of this Colony to the Law of the United Kingdom in relation to Treasonable Offences:"

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Words "within
this Colony,"
expunged from
first section of
said Law.

1. The words "within this Colony," occurring in section 1 of said Law, after the words, "to levy war against Her Majesty, Her heirs or successors," shall be and the same are hereby expunged.

Commencement
of Law.

2. This Law shall take effect from the promulgation thereof in the *Government Gazette*.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 5, 1869.

Law to amend Section 8 of Law No. 4, 1868.

Repealed by Law No. 10, 1876, § 1.

LAW No. 6, 1869.

(Signed) ROBT. W. KEATE.

Law to declare the Law and Practice in Cases of Escheats.

Preamble.
Vide Law 11,
1868.

WHEREAS by the Law No. 11, 1868, known as "The Escheat Law, 1868," provision was made as to the disposal of certain revenue of the Crown arising from cases of escheat in this Colony: And whereas it is expedient to declare the law and practice in such cases of escheat:

Escheats.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. In all cases of escheat to the Crown an inquest shall be taken before the Supreme or a Circuit Court, or a Commissioner or Commissioners thereof, on the information of Her Majesty's Attorney General of the Colony.

In all cases of escheat to the Crown, an inquest shall be taken on the information of the Attorney General.

2. Notice of every inquest to be held under this Law shall be published in the *Government Gazette* three months at the least before the holding of such inquest.

Three months' notice of inquest to be given in *Gazette*.

3. It shall be lawful for any person claiming title to any property respecting which an inquest may be held under this Law to appear and give evidence in support of such claim at such inquest.

Claimant of property may appear at inquest and support his claim.

4. If the finding on any inquisition under this Law shall be against the Crown, it shall nevertheless be lawful for the Attorney General, with the leave of the Supreme Court, within six months to file a requisition for a second inquiry.

If finding of inquest be against the Crown, Attorney General may apply for another inquest within six months.

5. If the finding on any inquisition be for the Crown, it shall nevertheless be lawful for any person claiming title to any property, respecting which such finding shall have been made, at any time within twelve calendar months after the taking of such inquest, to traverse such finding ; and such claimant shall cause a copy of such traverse to be served on Her Majesty's Attorney General within the said term of twelve calendar months.

If finding be for the Crown, claimant may traverse such finding within twelve months. Copy of traverse to be served on Attorney General.

6. All Laws, Ordinances, and rules in force as to pleading, and the means of procuring and taking evidence, and the practice and course of procedure of the Court in reference to personal actions between subject and subject, shall be applicable and extend to such traverse.

Rules as to procedure, &c., applicable to personal actions shall apply to such traverse.

7. After the taking of any inquest in favour of the Crown if no traverse shall be filed and notice thereof served on the Attorney General within twelve calendar months after the taking of such inquest, or if on any traverse the finding or decision shall be for the Crown, the property escheated may, if the Lieutenant Governor shall so direct, be retained for the public uses of the Colony or shall be sold by public auction ; and the moneys to arise from any such sale, after payment of all costs and expenses attending such inquisition or any traverse thereof, shall be paid into the Colonial Treasury, and shall thereafter be liable to be disposed of, as in the first section of "The Escheat Law, 1868," mentioned or referred to.

Disposal of escheated property, if no traverse filed within twelve months or the finding thereon be for the Crown.

8. In any case in which any person may have, or assume to have, any *moral* claim to any escheated property, it shall be lawful for the Lieutenant Governor, by and with the advice of his Executive Council, to consider and decide upon such claim, and to deal therewith in such manner as the facts and circumstances of the case shall appear to merit, anything in this Law contained to the contrary thereof notwithstanding.

vide Law 11, 1868, § 1.

Governor may decide upon any *moral* claim to escheated property.

Escheats.—Ecclesiastical Grants.

Supreme Court
may make rules,
&c., to carry out
this Law.

9. The Supreme Court may from time to time make such rules, orders, and regulations as may be deemed necessary to carry this Law into effect: Provided always, that no such rules, orders, and regulations shall be repugnant to this Law; and the said Court may from time to time amend, alter, vary, or annul any of such rules, orders, or regulations in like manner.

Commencement
of Law.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*; and may for all purposes be cited as "The Escheat Law, 1869."

Short title.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 7, 1869.

(Signed) ROBT. W. KEATE.

Law to abolish Ecclesiastical Grants from the Public Revenue within the Colony of Natal.

Preamble.

WHEREAS the Legislative Council of this Colony did, on the 4th day of July, 1866, pass the following resolution, viz. :—

Resolution of
Legislative
Council.

"That it is the opinion of this House that all Annual
"Grants of Money now made by Government to Ec-
"clesiastical Bodies, or all forms of State Aid to
"Religion, should cease."

And whereas it is expedient to give permanent legal force to aforesaid resolution, and that perfect religious equality should be secured within the Colony, and for that purpose that the payment of all Ecclesiastical Grants from the Public Revenue should cease and determine:

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

No further
Ecclesiastical
grants to be
made by Govern-
ment, either in
money or land.

1. That from and after the passing of this Law, no further annual grant of money shall be made by the Government to any person holding any ecclesiastical appointment, nor shall any kind of State aid be given to any ecclesiastical body or person as such, in any form or manner whatsoever, either in land or otherwise.

Ecclesiastical Grants.—Small Debts.

2. That all and every grant or grants of money at present annually voted by the Legislative Council of this Colony under the head of Ecclesiastical Grants, and borne on the Annual Estimate or Appropriation Bill, shall, except in such cases as may now be waiting the decision of the Government, lapse and determine in respect of the office for which the same has hitherto been accustomed to be voted and paid, on the death, resignation, dismissal, or completion of term of engagement of the present recipients of such governmental stipends.

Present annual grants shall lapse on determination of recipient's office, except in such cases as may now be waiting the decision of Government.

3. This Law shall take effect from and after the publication thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 8, 1869.

Law for making further provision for the service of the year 1867.

LAW No. 9, 1869.

(Signed) ROBT. W. KEATE.

Law to amend Law No. 14, 1867, entitled, "Law to Facilitate the Recovery of Small Debts and Demands within the Colony of Natal."

WHEREAS it is expedient to amend the said Law No. 14, 1867: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

1. That sections one and four of said Law No. 14, 1867, shall be, and the same are hereby, repealed in so far as they are repugnant to the provisions of this Law.

Sections 1 and 4 of Law No. 14, 1867, repealed so far as repugnant.

Small Debts.

Summons may be issued in certain cases on defendant in another district.

Magistrate in civil suits may order payment by instalments.

Security shall be given by defendant, unless plaintiff dispense therewith.

Plaintiff obtaining leave to summon a defendant from another county may be required to give security for costs.

How summons to be served.

Effect of service.

In certain cases, Magistrate may order defendant to be imprisoned not exceeding forty days.

Vide Law 14, 1867, § 3.

2. That a summons may, by leave of any Resident Magistrate, be issued to compel the appearance of a defendant or defendants in the Court of the Resident Magistrate of the district in which the defendant or one of the defendants has dwelt or carried on his business at some time within six calendar months next before the action brought, or in the Court of the district in which the cause of action wholly or in part arose; that any Resident Magistrate, in any civil suit in which he has jurisdiction, may make orders or decrees, concerning the time or times, and by what instalments, any debt, or damages, or costs, or any balances thereof, for which judgment shall have been obtained, or may be obtained, against any defendant shall be paid: Provided, that in all cases in which the Resident Magistrate shall make such order, security shall be given by the defendant, to the satisfaction of such Resident Magistrate, for the ultimate payment of the amount of the judgments and costs, unless the plaintiff shall consent to such order being given without security.

3. Where a plaintiff may obtain leave to summon a defendant under this Law from one county or division into another where the cause of action has arisen, he shall, if required so to do, give security to the satisfaction of the Resident Magistrate granting leave for the payment in full of defendant's costs, provided judgment shall be given in defendant's favour; and upon any such leave being given, it shall be competent for the Clerk of the Court in which such leave is given, to direct said summons to the Messenger of the Court of the Resident Magistrate of the county or division in which any person to be summoned resides, and the service of the said Messenger of said summons shall be a good and valid service upon any defendant, and shall compel any such defendant to appear before the Resident Magistrate of the county from which said summons was issued, and the words "issued by leave of the Resident "Magistrate" shall be written on the face of the said summons.

4. That if a party summoned under this Law, or section three of Law No. 14, 1867, shall not attend as required by such summons, or shall not prove sufficient cause for not attending, or shall, if attending, refuse to be sworn or to disclose any of the things aforesaid, or if he shall not make answer touching the same to the satisfaction of such Resident Magistrate, or if it shall appear to such Resident Magistrate, either by the examination of the party, or by any other evidence, that such party, if a defendant, in incurring the debt or liability, which is the subject of the action in which judgment has been obtained, has obtained credit from the plaintiff under false pretences, or by means of fraud or breach of trust, or has wilfully contracted such debt or liability without having had at the same time a reasonable expectation of being able to pay or discharge the same, or if he shall have made, or caused to be made, any gift, delivery, or transfer of any property, or shall have charged, removed, or concealed the same with intent to defraud such creditor, or any of his creditors, or if it shall appear to the satisfaction of the Resident Magistrate that the party so summoned has then or has had, since the judgment obtained against him, sufficient means and ability to pay the debt, or damages, or costs so recovered

Small Debts.—Insolvent Law Amendment.

against him, either altogether or by any instalment or instalments which the Court in which the judgment was obtained shall have ordered, and if he has refused or neglected to pay the same as shall have been so ordered, it shall be lawful for such Resident Magistrate, if he shall think fit, to order that any such party may be committed to the common gaol of the county, district, or place in which the party so summoned is resident, for any period not exceeding forty days.

5. None of the amendments made in Law No. 14, 1867, by this Law shall apply with respect to any debt or debts, or costs or damages incurred prior to the passing of this Law.

Amendments made by this Law not to apply to debts, &c., incurred before the passing thereof. Vide Law 14, 1867.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 10, 1869.

Law to amend the Law No. 17, 1868, entitled, "Law to enable the Lieutenant Governor to raise the necessary means to repair the damage caused to the Public Roads and Bridges of the Colony by the Recent Flood."

Expired.

LAW No. 11, 1869.

(Signed) ROBT. W. KEATE.

Law to amend the Law No. 21, 1868.

WHEREAS it is expedient to amend the Law No. 21, 1868, entitled, "Law to amend the Law in relation to Trust Deeds for the Benefit of Creditors, Composition Deeds, and Inspectorship Deeds executed by Debtors."

Preamble. Vide Law 21, 1868.

Insolvent Law Amendment.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

No deed between a debtor and his creditors shall be binding on all his creditors as if they had been parties thereto unless the following additional requisites be observed.

Vide Law 21, 1868.

1. No deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor and his release therefrom, or the distribution, inspection, management, and winding-up of his estate, or any of such matters, shall be as valid, effectual, and binding on all the creditors of such debtor as if they were parties to, and had duly executed the same, unless, in addition to the conditions to be observed in accordance with the provisions of the said Law No. 21, 1868, the following conditions shall be observed—that is to say :

List of all debtor's liabilities, creditors' names, &c., to be delivered to Master of Court.

1. Together with such deed or instrument there shall be delivered to the Master of the Supreme Court a list, showing to the best of the knowledge, information, and belief of the debtor or other person by whom the list is made, the debts and liabilities of every kind of the debtor, and the times when such debts and liabilities were contracted or incurred, and the considerations for the same, the names, residences, and occupations of his creditors, and the respective amounts due to them, and the securities held by them, and the estimated value of such securities.
2. A statement showing to the best of the knowledge, information, and belief of the debtor or other person by whom the statement is made, the debtor's property and credits, and the estimated value thereof.

Statement of debtor's assets, and value.

List or statement may be amended or added to on affidavit.

The debtor or other person as aforesaid may, from time to time, by leave of the Court, add to or amend such list or statement, and every such list, statement, addition, and amendment shall be verified by his affidavit, or by that of some other person able to depose thereto ; and when any addition or amendment is made to any such list or statement, the affidavit shall contain the reason why such addition or amendment has been rendered necessary, and why the substance thereof was not contained in the original list or statement.

Notice of list or statement must be given in *Gazette* within time directed by order of Court. Any person stating himself in writing to be a creditor may inspect the same, and take copies or extracts.

2. Notice of the leaving of such list or statement, and of any amendments or additions thereto, shall be given in the *Government Gazette*, within such time after such list or statement shall have been left as the Supreme Court may direct in any rule or order framed for that purpose ; and any person stating himself in writing to be a creditor of such debtor may personally or by attorney or agent inspect the lists or statements and any additions or amendments ; and may, on application in such manner as the Supreme Court may order or direct, have a copy thereof or extracts therefrom.

The Master must call a meeting of creditors for proof of debts.

Vide Law 21, 1868, §§ 1-4.

3. The Master of the Supreme Court is hereby authorised and required, so soon as practicable after any such deed or instrument shall have been lodged with him for registration under the said Law No. 21, 1868, and under this Law, to call a meeting of the creditors named in such deed or instrument, to be held within fourteen days after an advertisement in that behalf in the *Government Gazette*, for

Insolvent Law Amendment.

the purpose of proving debts against the said assigned estate, or against such debtor; such proof of debts shall be made in a like manner and form to proof of debts in insolvent estates; and in the computation of the requisite number and value of such creditors, any creditor who shall hold a preferable security or lien upon any part of the assigned estate shall, in the affidavit produced by him at the time of proving his debt, put a value upon such security, so far as his debt may be thereby covered; and the amount due to such secured creditor, after deducting the value of the securities as so fixed by him, shall alone be reckoned: Provided always, that in all matters affecting the property over which any such secured creditor may hold security or lien, the said creditor shall be reckoned in number and value for the full amount of his claim.

4. Every affidavit or declaration of proof by the creditors of such debtor, shall be filed with the Master within such time as such rules or orders may direct, and the filing of every such affidavit shall be entered by the Master in a book to be kept by him, as filed in the matter of the deed or instrument executed by such debtor; and any person stating himself in writing to be a creditor of such debtor may, personally or by attorney or agent, inspect such book, and also every affidavit or declaration filed in the matter of the deed or instrument executed by the debtor, and may, in such manner as such rules or orders direct, have copies thereof or extracts therefrom.

5. Any creditor of a debtor executing any such deed or instrument whose debt shall exceed Ten pounds may, at any time after the registration of the deed or instrument, apply for, and obtain from, the Supreme or Circuit Court, or the Court of any Resident Magistrate, a summons requiring such debtor or any creditor, or person stated to be a creditor of such debtor, or any person whom the Court shall believe to be capable of giving any information concerning the dealings and transactions of the debtor, to appear at the said Court, or at any place fixed by the Court, upon a day and time to be named in such summons, and then and there to be examined before the said Court or a Commissioner thereof, concerning the dealings and transactions of any such debtor, or the debt due or stated to be due from the debtor to such or any creditor; and such debtor or creditor, or other person, as the case may be, shall be bound to attend at the time and place named in the summons, and to submit himself to examination, and at the conclusion of such examination, the Court or Commissioner, as the case may be, shall determine by whom the whole, or any part of the expense of procuring the attendance and of the attendance of the person examined, and of his examination, and of the attendance of all other parties properly attending such examination, shall be borne, whether by the creditor procuring the summons, or by the person examined, or by the debtor, or by trustees or inspectors of his estate, either personally or out of the estate of the debtor, or by the estate of the debtor or otherwise; and an order shall be drawn up by the Court or Commissioner in accordance with such determination, and be enforced against the parties bound by such order, in the same manner that orders under the Insolvent Laws of the Colony,

Proof to be in same manner as in insolvent estates.

Securities to be valued, and the balance only reckoned in computation of number and value.

Except as to matters affecting the property charged with the security.

Affidavits and declarations of proof to be filed with Master.

Any person stating himself in writing to be a creditor may inspect the same, and have copies or extracts.

Any creditor whose debt exceeds £10, may summon the debtor, &c., to be examined concerning the dealings of debtor or any debt.

Person summoned bound to attend and submit to examination.

Court or Commissioner shall determine by whom costs shall be paid.

Order as to costs, how enforced.

Insolvent Law Amendment.

are enforced, but nothing in this section shall take away or abridge any jurisdiction or authority belonging to the Court independently thereof.

Creditor procuring such summons to give notice to trustee or to debtor if summons directed to a creditor. Debtor or trustee may take part in examination.

6. The creditor procuring such summons shall give notice to the trustees or inspectors (if any) acting under the deed or instrument, and, where the summons is directed to a creditor, to the debtor, of the time and place appointed for the examination. The debtor, trustees, or inspectors shall be at liberty to attend such examination and to take part therein subject to the direction of the Court.

In case of deed of arrangement under section 9 of Law 21, 1868, debts must be proved and securities valued,

7. In case of a deed of arrangement under section nine of the said Law No. 21, 1868, no creditor shall be reckoned in the computation of the requisite majority in number and value of the creditors of the insolvent unless and until he shall have duly proved his debt before the Master in the usual manner and form; and in the computation of the requisite value of such creditors, and for all other purposes of the deed, the amount due to each creditor after deducting the value of the securities, if any, held by him on the insolvent's property shall alone be reckoned: Provided always, that in all matters connected with and specially affecting the property over which any such secured creditor may hold security or lien, the said creditor shall be reckoned in number and value for the full amount of his claim.

Trustee, when authorised by creditors, may take over any valued security.

8. It shall and may be lawful for the trustees, when duly authorised by the creditors, to take over for the benefit of the general creditors any such security or pledge, upon payment of the value so placed upon the same by the secured creditor.

Supreme Court may make orders for certain purposes, and generally for carrying out this Law, and No. 21, 1868.

9. The Supreme Court of the Colony of Natal shall, subject to the provisions of this Law and of said Law No. 21, 1868, frame general orders for the following purposes:—

For regulating the several forms of the lists, statements, affidavits, declarations, advertisements, orders, and all other proceedings to be used in all matters under this Law and under said Law No. 21, 1868.

For the reception and custody of all documents required to be produced, left, or filed in accordance with this Law or said Law No. 21, 1868, and the inspection of such documents by any creditors or person entitled to inspect the same, and for the delivery of copies thereof.

For regulating the duties of the Master thereunder.

For regulating the fees payable for matters done under said Laws;

And generally, for carrying this Law and said Law No. 21, 1868, into effect.

And the said Court may, from time to time amend, alter, vary, or annul any of such general orders.

Person giving false evidence or swearing falsely in any affidavit, &c., liable to penalties of perjury.

10. Any person who shall, upon any examination upon oath or affirmation, or in any affidavit, deposition, or declaration, or solemn affirmation authorised or directed by this Law or by said Law No. 21, 1868, wilfully and corruptly give false evidence or wilfully and

Insolvent Law Amendment.—Quitrents.

corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the penalties of wilful and corrupt perjury.

11. The provisions with respect to the payment and appropriation of fees contained in Law No. 21, 1868, shall apply to fees to be taken and received under this Law.

Appropriation of fees.

12. In case of a transfer to a trustee under section of Law No. 21, 1868, if, when the claims of the creditors are fully satisfied, there should remain registered in the name of such trustee any immoveable property under such transfer, such property shall be transferred to the assignor free of all transfer dues, stamps, and fees of office.

Re-transfer of any surplus property to be made by trustee to debtor free from all transfer dues, stamps, and fees of office.

13. This Law shall commence and take effect on the first day of September, 1869, and shall be construed together with the aforesaid Law No. 21, 1868, as one Law.

Commencement of Law.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed) D. ERSKINE,
Colonial Secretary.

LAW No. 12, 1869.

(Signed) ROBT. W. KEATE.

Law to facilitate the Recovery of Quitrents and other Land Rents and Fines for Non-occupation.

WHEREAS it is expedient to afford greater facilities for the recovery of quitrents and other land rents, and fines for non-occupation, now due, or at any time hereafter to become due, to the Crown, or Colonial Government of Natal :

Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. The [Surveyor General of Natal] or other the officer for the time being, authorised or empowered to sue for and on account of the Crown or the Colonial Government for the recovery of any quitrent, land rent, or non-occupation fine, may sue therefor in the form commonly known as a provisional summons, and shall be entitled to claim provisional sentence thereon.

Surveyor General or officer authorised may sue for quitrents, &c., in a provisional summons, and obtain provisional sentence.

Vide Law 16, 1876, § 2.

Quitrents.

Not necessary to serve on defendant copy of deed on which claim is founded, but a notice shall be endorsed on summons.

2. In any such provisional summons it shall not be necessary to produce or to serve upon or exhibit to the defendant the original or copy of the deed, grant, or lease whereon the provisional claim is founded; but there shall be endorsed on, or annexed to such summons, a notice in the form contained in Schedule A, or as near thereto as may be.

Production of proof of service or advertisement of a notice shall be sufficient *prima facie* proof of non-occupation.

3. In order to support any claim for provisional sentence for any non-occupation fine or rent due or alleged to be due to the Crown or the Colonial Government the production of a notice (in the form contained in Schedule B, or as near thereto as circumstances admit) together with an affidavit or certificate of service thereof upon the party named in such notice or (in the event of such party being absent from the Colony) proof of publication thereof in the *Government Gazette*; and also certificate by the proper officer that such notice has not been complied with; shall be, and the same are hereby declared to be, sufficient *prima facie* evidence that the condition of occupation during the period specified in the notice, of the farm or land referred to therein, has not been fulfilled, and shall entitle the plaintiff to claim provisional sentence for the fine or rent thereby incurred.

4. [Repealed by Law No. 16, 1876, § 8.]

Execution shall not issue on judgment for quitrent, non-occupation fine, or costs except against the land.

5. It shall not be lawful upon any judgment or sentence for payment of quitrent or non-occupation tax to recover from any defaulter payment for any quitrent or non-occupation fine or tax, or any costs or charges in that behalf incurred, except by writ of attachment against the land for and on behalf of which such rent, fine, or tax, shall be due, and for which said land only shall be executable.

Lands to be put up for sale at upset price equal in amount to arrears and costs.

6. Such lands shall be put up for sale at the upset price of a sum equal in amount to the arrears of quitrent or non-occupation fine, or tax due in respect of such lands, and the costs incurred in suing for the same.

Lands sold to highest bidder if more than upset price offered, provided six months' notice of sale given in *Gazette*.

7. If at the time and place appointed for the sale any person or persons shall offer to purchase any lands so offered for sale, and to give for the same any price or sum of money larger than the upset price at which the same shall have been put up, then the land shall be sold to the highest bidder so offering, provided that such sale shall not be effected until after six months' notice of such sale shall have been given by the Master of the Supreme Court in the *Government Gazette*.

If no higher sum than upset price offered, Court may adjudicate such lands to the Queen;

8. If at the time and place appointed for the sale no person shall offer to purchase any such lands offered for sale at any price or sum higher than the upset price at which the same shall have been put up, it shall be lawful for the Supreme Court, upon receiving the report of the Master to that effect, to adjudicate such lands to Her Majesty the Queen, as and by way of forfeiture and resumption by reason of the non-performance of the conditions of the grant of such lands; and such lands shall thereupon be vested in Her Majesty the Queen, her Heirs and Successors absolutely, discharged

Quitrents.

from all, and all manner of other estates, charges, or incumbrances whatsoever, and to be held, used, and disposed of in such and the same manner as any other Crown Lands in this Colony.

Which shall vest free from all charges and incumbrances.

9. If at any time the holder or holders of any land under Government, subject to any quitrent or other rent, shall be desirous, and all persons having any interest therein shall consent to surrender such land to the Lieutenant Governor for the time being on behalf of the Crown, with the view to obtain immunity from any such rent then due or thereafter to become due upon such land, it shall be lawful for such holder or holders and other persons as aforesaid to effect such surrender by forwarding the title-deeds and other deeds under which such land is held, to the Colonial Secretary, with an endorsement or endorsements thereon, signed by them respectively, or by their duly authorised attorneys or agents, and by an attesting witness or witnesses, setting forth that under and by virtue of the provisions of this section, they do thereby make such surrender as aforesaid; and the effect of such endorsement of surrender, when duly made as hereinbefore provided, shall be, that thereupon and thenceforth the land so surrendered shall become re-invested in Her Majesty the Queen, her Heirs and Successors, absolutely discharged from all, and all manner of estates, charges, or incumbrances whatsoever, and may be held, used, and disposed of in such and the same manner as any other Crown Lands in this Colony.

The holder of any lands may surrender the same to the Crown to obtain immunity from quitrents, &c.

Vide Law 8, 1870, § 7.

Procedure in and effect of surrender.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

SCHEDULE A.

Schedule.

To the within named

A. B.,

Defendant.

Take notice, that if you need the production of the deed (*of grant*) within referred to, and whereon the said provisional claim is founded, or other deed under which you hold said farm, you are hereby required to bring and produce, at the within-mentioned time and place, the copy of such deed (*of grant*) or other deed in your possession.

Dated at Pietermaritzburg, this day of 18 .

W. E. S.,
Clerk of the Peace and Plaintiff's Attorney,

Quitrents.

SCHEDULE B.

To A. B.,

. (Registered owner of the farm
situate in the County of .)

SIR,—Take notice, in terms of the conditions of grant of above-named farm now standing registered in your name, that you are hereby required to give to me, on or before the

full and satisfactory proof on oath of yourself or some other credible person of the *bond fide* occupation during at least six months of the year 18 of said farm or piece of land, known as in pursuance of the provision or in conformity with the condition in the original deed of grant thereof. And take further notice that, failing your compliance with this requirement, the fine or additional rent for non-occupation imposed by said deed will, at the expiry of this notice, be held to have accrued due and payable by reason of such default of proof.

Dated at this day of 18 .

Resident Magistrate.

(or [Surveyor General of Natal] *as the case may be*).

Vide Law 16,
1876, § 2.

Endorsements on Return Copy.

I do make oath and say that on the
day of I served notice, whereof the above is a true
copy, upon the above-named by (*handing the*
same to him personally at or, *by leaving the same at his*
residence with as the case may be) who replied that

Sworn before me at this day of

I, , Resident Magistrate of the County of
do certify that the within-named
has not given proof of the occupation of his farm
as required by the within notice.

Resident Magistrate.

18 .

Given at Government House, this 22nd day of September,
1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Registration and Probate of Wills.

LAW No. 13, 1869.

(Signed) ROBT. W. KEATE.

Law to amend and explain the Provisions of Law No. 5, 1868, entitled, "Law to provide for the Registration and Probate of Wills in the Colony of Natal."

WHEREAS it is expedient to amend certain portions, and to explain other portions, of the said Law No. 5, 1868 : Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. The first section of the said Law No. 5, 1868, shall not be deemed to apply to, or to have applied to, any will or codicil executed before the First day of January, 1869 ; but any such will or codicil may, at the desire and expense of any person interested thereunder, and when practicable, be subjected to, and have the benefit of, the other provisions of the said Law, and those of this Law.

Section 1 of Law 5, 1868, not applicable to any will executed before 1st January, 1869, but such wills may, when practicable be subjected to the other provisions thereof and this Law.

2. Nothing in the said Law No. 5, 1868, contained shall prevent any will or codicil being, before registration thereof, acted upon as far as may be requisite for the purpose of the same being proved or in reference to any proceeding as to its validity in whole or in part, or in respect of the appointment or executors thereof, or for any similar purpose allowed by the authority to whom such will or codicil shall then be produced.

Wills may be acted upon for certain purposes before registration.

3. Instead of the last proviso in section three of the said Law No. 5, 1868, the following shall hereafter be substituted, that is to say :

The following substituted for last proviso in section 3, Law 5, 1868.

" Provided also that if there be to any will or codicil an attestation clause substantially in the form in Schedule D hereto, and there be nothing on the face of the will or codicil appearing in conflict with the contents of such clause, then the due execution of such will or codicil for the purposes of the said Law No. 5, 1868, may be proved by the person or persons proceeding therefor deposing that he or they believe, from not having any knowledge, information, or suspicion to the contrary, that the said will or codicil was executed and attested in manner in the attestation clause thereto stated."

Will containing attestation clause as in Schedule D hereto may be proved by deposition of person proceeding therefor.

4. The provisions of the ninth section of the said Law shall not be construed so as to prejudice the trial of any issue expressly raised on the pleadings or record as to the validity in whole or in part of the will or codicil whereof there shall be the certified copy in the said section alluded to.

Section 9 of Law 5, 1868, shall not prejudice the trial of issue as to validity of will

Registration and Probate of Wills.

Any further certified copy of will shall also be within the provisions of these Laws.

Executor *prima facie* entitled to possession of certified copy.

Interpretation clause.

"Will."

"Resident Magistrates."

Schedule substituted.

Commencement of Law.

Short title.

5. Any further certified copy of a will or codicil granted by the Registrar of Deeds under the order of the Supreme Court, or any judge thereof, shall be within the provisions of the said Law, and of this Law in like manner as the certified copy originally granted.

6. The executor for the time being shall be the person *prima facie* entitled to the possession of the certified copy of the will or codicil in respect whereof he is executor granted under the said Law or this Law.

7. In the construction of the said Law No. 5, 1868, the term "Will" shall be deemed to include a codicil when the latter is not expressed; and in section fifteen of the said Law "Resident Magistrates" shall, so far as referred to in Schedule C hereto, be deemed within the directions in the said section to the Registrar of Deeds.

8. For Schedule C to the said Law shall be substituted Schedule C hereto.

9. This Law shall be in operation from the promulgation thereof in the *Government Gazette*, and shall be construed together with the said Law No. 5, 1868, and said Law and this Law may together be cited for all purposes as the "Probate of Wills Law, 1868 and 1869."

Schedules:

SCHEDULE C.

Tariff of Fees to be taken by the Registrar of Deeds and the several Resident Magistrates under Law No. 5, 1868, and this Law.

	£	s.	d.
On proof before any Resident Magistrate: for each will or codicil proved...	0	2	6
On proof before, or registration with, the Registrar of Deeds of any will or codicil not proved as last above mentioned: for each such will or codicil ...	0	2	6
On any search in the Registrar of Deeds' office in respect of any will or codicil registered or lodged there under the Law No. 5, 1868: for each will or codicil searched for ...	0	1	0
On the grant of any certified copy under the said Law: for the first 100 words or fractional part thereof ...	0	2	0
For every further 100 words and last fractional part thereof ...	0	0	6
For each certificate to probate or registry ...	0	5	0

The foregoing fees shall not supersede any required by the Law No. 18, 1868.

Registration and Probate of Wills.—Promissory Oaths.

SCHEDULE D.

Attestation Clause.

Signed (or acknowledged to be signed) by A. B., the testator of this will (or signed with the name of A. B., the testator of this will, in his presence, and by his direction, by C. D.), in the presence of us, then present both together, and affixing our signatures hereto as witnesses to the said will, in the presence of the said testator.

E. F.

G. H.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 14, 1869.

(Signed) ROBT. W. KEATE.

Law to amend the Law relating to Promissory Oaths, by simplifying the Forms of Oaths required to be taken by certain Officers and Persons in this Colony.

WHEREAS it is expedient to simplify certain forms of promissory oaths in this Colony, and to adopt like forms to those in use in Great Britain and Ireland : Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

1. The oaths in this Law referred to severally as the oath of Allegiance; the Official oath; the Judicial oath; and the Executive Councillor's oath, shall in future be in the respective forms given in the Schedule to this Law, any existing Law, Ordinance, regulation, or custom, to the contrary notwithstanding.

Oaths referred to in this Law shall be in the forms in schedule hereto.

2. The oath of Allegiance and Official oath shall be tendered to, and taken by, each of the following officers, as soon as may be after his acceptance of office by the officer, that is to say :—

Oath of allegiance and official oath, by whom taken.

The Lieutnant Governor of the Colony,
Officer Administering the Government,
Superior Executive Officers,
Justices of the Peace.

Promissory Oaths.

Oath of allegiance and judicial oath, by whom taken.

3. The oath of Allegiance and Judicial oath, shall be tendered to, and taken by, each of the following officers as soon as may be after his acceptance of office by the officer, that is to say:—

The Chief Justice,
Puisne Judges of the Supreme Court,
Resident Magistrates,
Other Judicial Officers.

Oath of allegiance, by whom taken.

Executive Councillors' oath.

4. The oath of Allegiance shall be taken by members of the Legislative Council, and by aliens obtaining letters of naturalization.

5. The oath of Allegiance, and an oath of fidelity in the discharge of their duties (Executive Councillors' oath) shall be taken by members of the Executive Council.

Such oaths to be tendered and taken as heretofore.

6. All such oaths shall be tendered and taken in manner in which the oaths required to be taken by such officers respectively previously to the passing of this Law, on entering their several offices, would have been tendered and taken.

Name of sovereign for time being shall be substituted for Her present Majesty's.

7. Where in any oath under this Law the name of Her Present Majesty is expressed, the name of the Sovereign of the United Kingdom of Great Britain and Ireland for the time being shall be substituted from time to time.

Solemn affirmation or declaration may be substituted for oath.

8. When an oath is required to be taken under this Law, every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath, may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words "solemnly, sincerely, and "truly declare and affirm" for the word "swear," and omitting the words "so help me God."

Short title.

9. This Law may be cited for all purposes as the "Promissory Oaths Law, 1869."

Commencement of Law.

10. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

*Schedules.***SCHEDULE.***1. Form of Oath of Allegiance.*

I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law.

So help me God !

2. Form of Official Oath.

I, _____, do swear that I will well and truly serve Her Majesty Queen Victoria in the office of _____

So help me God !

Promissory Oaths.—Vagrant Law.

3. Form of Judicial Oath.

I, _____, do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of _____, and I will do right to all manner of people after the laws and usages of this Colony, without fear or favour, affection or ill-will.

So help me God!

4. Form of Oath of Executive Councillor.

I, _____, being chosen and admitted of Her Majesty's Executive Council in the Colony of Natal, do swear that I will, to the best of my judgment, at all times when thereto required, freely give my counsel and advice to the Governor, Lieutenant Governor, or Officer administering the Government of the Colony of Natal for the time being, for the good management of the public affairs of the Colony of Natal: that I will not directly nor indirectly reveal such matters as shall be debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor.

So help me God!

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

LAW No. 15, 1869.

(Signed) ROBT. W. KEATE.

Law for the Punishment of Idle and Disorderly Persons and Vagrants within the Colony of Natal.

WHEREAS it is expedient to make provision for ensuring greater security and protection to the inhabitants of Natal, and for punishing idle and disorderly persons and vagrants within such Colony: Preamble.

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:

Vagrant Law.

Person wandering over private property or loitering near or lodging in any house, &c., without owner's leave may be arrested as idle and disorderly; And person indecently exposing his person in certain places, or publicly behaving in an indecent or riotous manner, liable to fine or imprisonment.

Idle and disorderly persons may be arrested by owner or occupier.

Wrongful arrest, penalty and damages for.

This section not to apply to boroughs.

In boroughs, every coloured person wandering after or before the hour the Corporation may fix; Every person found in or upon a dwelling-house, &c., or enclosed yard, or indecently exposing his person in certain places, or publicly behaving in an indecent or riotous manner, persons arrested as idle and disorderly, and violently resisting officer, liable to imprisonment or fine.

1. Any person who shall be found wandering over any land belonging to or lawfully and of right occupied by any private person or persons, or loitering on private property, near to or lodging in any house, outhouse, or hut without leave of the owner thereof, and who shall be unable to give a good and satisfactory account of himself, shall be deemed and may be arrested as idle and disorderly; and every person who shall wilfully, lewdly, openly, and obscenely expose his person in any road or public path or in view thereof, or in any place of public resort (not within any borough), with intent to insult any female; and every person who shall publicly behave in a riotous or indecent manner, shall be liable, on conviction before the Resident Magistrate of the county or division, on the complaint of the owner or occupier aforesaid, to imprisonment for any period not exceeding three months, with or without hard labour, and with or without spare diet, or to a fine not exceeding Five pounds sterling, and in default of payment thereof to such imprisonment as last aforesaid, with or without hard labour and with or without spare diet: and any person hereby declared to be liable to be arrested as idle and disorderly may be so arrested and conveyed to gaol by the owner or occupier of the property or premises on which such person shall be found or by his servants, or by any police constable or officer at the request of such owner or occupier: Provided always, that any one who shall, under colour of this provision, wrongfully and maliciously and without probable cause, arrest or cause to be arrested any person as idle and disorderly, shall be liable to pay a fine not exceeding One pound sterling, and to pay to the arrested person such amount as and for damages as the Magistrate before whom such arrested person is brought for trial shall award: Provided also, that this section shall not apply to boroughs, with respect to which special provision is hereinafter made.

2. In every borough in the Colony constituted in the manner provided for by the provisions of Law No. 21, 1862, entitled, "Law amending and consolidating the Laws in regard to Municipal Corporations," every coloured person found wandering abroad after and before such hour as such Corporation may fix and not giving a good account of himself or herself, every person being found at any time in or upon any dwelling-house, warehouse, shop, stable, kitchen, or outhouse, or in any enclosed yard or garden, and not giving a good account of himself or herself; every person wilfully, openly, lewdly, and obscenely exposing his person in any street, road, or public path, or in view thereof, or in any place of public resort; every person publicly behaving in a riotous or indecent manner within a borough, and every person apprehended as an idle, disorderly, or suspicious person, and violently resisting any constable or policeman so apprehending him or her, and being subsequently convicted for the offence for which he or she shall have been so apprehended, shall be deemed an offender within the true meaning and intent of this Law; and it shall be lawful for any Magistrate to commit such offender, on conviction, to the gaol, there to be kept to hard labour for any time not exceeding three months, or to inflict upon such offender such fine not exceeding Five pounds sterling as the Magistrate in his discretion may think fit.

Vagrant Law.—Gold Discoveries Law.

3. In all boroughs the Corporations of such boroughs shall erect, at or near the police-station or in some locality under the control and supervision of constables or policemen, some suitable building or buildings for the reception of such natives, not being residents in such boroughs, as cannot conveniently leave such boroughs before such hour as may be fixed by such Corporations, in which building or buildings such natives shall obtain shelter for the night.

Corporations shall erect building for the reception for the night for non-resident natives.

4. It shall be lawful for the Corporations of such boroughs (three-fourths thereof being present at a meeting for the purpose) to fix such hours, and to make from time to time such bye-laws, rules, and regulations as may seem requisite and necessary for carrying out the provisions of this Law: Provided that no such bye-laws, rules, or regulations shall be of any force until the same shall have received the sanction of the Lieutenant Governor.

Corporations may make rules for carrying out this Law.

Governor's sanction requisite.

5. In this Law the words "Resident Magistrates" shall include the Assistant Resident Magistrates, and also associated Justices of the Peace holding any Branch Courts under Law No. 6, 1859; and the words "Constable," "Constables," "Policeman," "Policemen," shall mean such persons as may be appointed as such under or by virtue of Ordinance No. 5, 1846, or, in the case of boroughs, such persons as may be appointed by the Corporation generally or for the special purpose of carrying out this Law; and the words "Coloured Person," shall mean any Hottentot, Coolie, Bushman, Lascar, or any of the people commonly called Kafirs, whether they are refugees from any of the surrounding states or tribes or belonging to the tribes originally in this Colony and its neighbourhood.

Interpretation clause.

"Resident Magistrate."

Vide Law 6, 1859.

"Constable, constables; policeman, policemen."

Vide Ord. 5, 1846.

"Coloured person."

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 16, 1869.

(Signed) ROBT. W. KEATE.

Law to encourage the Searching for Gold within the Colony of Natal.

WHEREAS it is expedient to make provision for rewarding persons who may succeed in discovering gold within this Colony in such quantities as will render the working of the discovery sufficiently remunerative to the public; and also, in the event of any such dis-

Preamble. .

Gold Discoveries Law.

covery being made, to empower the Lieutenant Governor, with the advice of Her Majesty's Executive Council in this Colony, from time to time to make regulations touching and concerning the working of the same :

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Discoverer of gold, and being the first to produce a sample of at least two ounces, entitled for the purposes of the reward to have an area of ten miles square marked off.

If gold found on unappropriated Crown lands, discoverer entitled to temporary prospecting claim of half-mile square in the case of quartz reef; of quarter-mile in case of alluvial washing.

Definition of "Goldfield" under this Law.

Discoverer furnishing proof of discovery entitled to twelve months' permit to search for and extract gold in temporary claim.

Gold to belong to discoverer, subject to duty imposed under this Law.

Discoverers subject to rules framed by Governor.

Discoverer entitled to permanent claim after expiry of twelve months. Extent thereof.

1. Any person or persons discovering gold on any Crown or private lands, and being the first to produce a sample thereof so found to the Resident Magistrate of the county or division in which it shall have been found, or to such other person as may be appointed for the purpose by the Lieutenant Governor under this Law, and provided such sample is not less than two ounces in weight, shall be entitled, for the purposes of the money reward hereinafter provided for, to have an area marked off by the direction of the Lieutenant Governor ten miles square, the centre of which shall be as near as possible to the spot at which such sample of gold was found.

2. In the event of such gold being found upon any unappropriated lands of the Crown, the person or persons who shall be declared to be the discoverers shall be entitled to have marked out for them a temporary prospecting claim in extent about half a mile square, if the sample of gold discovered and produced by them shall have been extracted from a quartz reef, and a quarter of a mile square if it shall have been the result of alluvial washing; such temporary prospecting claim to be marked out at and to include the spot at which such sample as aforesaid was found, and shall in like manner become the centre of an area marked out of ten miles square as in the preceding clause provided for, and which for the purposes of this Law shall be deemed and taken to be a goldfield.

3. Such discoverers shall, after furnishing such proof as may be required of them of the fact of such discovery by the Lieutenant Governor to the person he may appoint for the purpose of examining into it, be entitled to receive a permit, signed by the Lieutenant Governor or other person duly authorised thereto, granting to them the right and exclusive privilege of searching for and extracting gold within such temporary prospecting claim, either themselves or by other persons employed by them, without further license being necessary, for the term of twelve calendar months from the date of such permit; and all gold so extracted or found within such temporary prospecting claim during the continuance in force of such permit shall be the property of the discoverers, subject only to such duty as may be imposed under this Law; and provided that they shall nevertheless be subject to such rules and regulations as the Lieutenant Governor, with the advice of the Executive Council, may from time to time frame and impose, to secure orderly conduct within such claim as well as its continuous working.

4. At the expiration of the twelve months granted by the permit aforesaid the discoverers shall be entitled to select within such temporary prospecting claim a permanent prospecting claim seventy yards square if in alluvial deposit, or if in a quartz reef an area of two hundred yards along the supposed course of the reef and two hundred and fifty yards across it, which shall then fall under such

Gold Discoveries Law.

general regulations as it may be found necessary to issue, under the powers conferred by this Law as regards licenses, continuity of working or otherwise; and the remainder of the temporary prospecting claim shall thereupon fall to the disposal of the Government.

Subject to general regulations as to license, &c.

5. Only one temporary discovery claim, in which is included one permanent discovery claim, shall be granted within the area of any goldfield fixed and determined by the spot of such discovery, and any other can be granted only outside of such area.

Only one temporary discovery claim to be granted within any goldfield.

6. Upon and after the marking-out of any goldfield ten miles square as herein provided, no person shall be allowed to search for or extract gold within the area so marked out, whether upon private or Crown lands, without being provided with the license required by this Law.

When a goldfield has been marked out, no one entitled to search for or extract gold therein without license.

7. Any person may obtain a miner's license to dig, search for, and remove gold upon and from any private lands, and upon and from any proclaimed goldfield in this Colony.

Any person may obtain license to dig, &c., for gold on private lands or proclaimed goldfield.

8. No provision in this Law shall be deemed or taken to interfere with the rights of owners of private property, either as regards digging, searching for, or extracting gold without license upon or from their own lands; or preventing those who have licenses from digging, searching for, or removing gold without the leave of such proprietor.

Rights of owners of private property not interfered with.

9. Every such license may be granted by any Resident Magistrate in the Colony, or by such other person or persons as may be authorised thereto by the Lieutenant Governor; and shall be written on a stamp of the value of twenty shillings; and shall be in force only for twelve months from the date of such license; and shall be in the form marked A in the schedule to this Law.

License, granting of and incidents to.

10. There shall be paid out of the Colonial Treasury of this Colony the rewards for the discovery of goldfields yielding the quantities of gold therein contained set forth in schedule marked B attached to this Law.

Rewards for discovery of goldfields.

11. In order to entitle any person to any of the rewards aforesaid, the goldfield in respect of which the reward is claimed must be not less in extent than ten miles square, placing the spot where the first discovery of gold was made as nearly as may be in the centre thereof.

To entitle to reward, goldfield must be not less than ten miles square, the spot of discovery being at the centre.

12. The Surveyor General of the Colony, or any other person thereto appointed by the Lieutenant Governor, shall as soon as may be mark off such goldfield by clear and definite beacons or landmarks, and shall include within such area of ten miles private as well as public lands.

Surveyor General or person authorised shall mark off goldfield, and include private lands.

13. The person, or in the case of more persons than one, then such persons as were working together as mining partners, who shall be the first to apply to any Resident Magistrate or other person appointed as aforesaid for a temporary prospecting claim to dig, search for, and remove gold as hereinbefore provided, and who shall also at the same time produce to the Resident Magistrate or other person appointed as aforesaid to whom application is made a

Who shall be deemed first applicant for reward.

Gold Discoveries Law.

sample of not less than two ounces of gold taken from the spot around which such temporary prospecting claim is applied for shall be deemed to be the first applicant for any such reward.

Proof may be required that the two ounces were *bond fide* found at the spot described.

14. Provided, that the Lieutenant Governor may require any person or persons applying for such claim to prove to the satisfaction of any person or persons he may appoint and in such manner as he may direct, that the said two ounces of gold were actually found upon such spot so described, and were not fraudulently placed there by the person so applying, or by any other person or persons whomsoever.

Penalty for making false representations in respect of a claim or payment of reward.

15. Any person or persons who shall make any false or fraudulent representation in respect of any claim made by him or them for the payment of any reward under this Law, shall, on conviction thereof before the Supreme Court or any Circuit Court, suffer imprisonment, with or without hard labour, for any period not exceeding two years.

The issue of a miner's license or payment of a reward not to confer further right than conferred by this Law.

16. Neither the issue of any miners' license to search for gold nor the payment of any reward to any person under this Law shall be deemed or taken to confer any right or title to the holder of such license, nor to the person establishing his claim to any such reward to any of the land on which any gold may be discovered by the holder of such license or the claimant of such reward, beyond that which is specially conferred by this Law, or any regulations that may be made under this Law.

Governor may make rules for carrying out this Law, and impose penalty.

17. The Lieutenant Governor, with the advice of the Executive Council, may from time to time make such rules and regulations as to him may seem fit for carrying out the provisions of this Law not repugnant to its provisions, and may by such rules impose any fine, not exceeding One hundred pounds sterling for the contravention of any rule so established.

Penalty for digging, &c., for gold without license, or failing to produce license.

18. Any person found digging, searching for, or removing gold upon or from any goldfield proclaimed as hereinbefore mentioned, other than the proprietor of any private lands, on his own land included therein, without the license required by this Law, or failing or refusing to produce such license when required to do so by any person duly authorised to require the same shall, on conviction thereof, be liable to a fine not exceeding Fifty pounds sterling, or be imprisoned, with or without hard labour, for a period not exceeding twelve months.

Contraventions of this Law, where and how prosecuted.

19. All contraventions of this Law for which punishment by imprisonment is imposed, shall be prosecuted by indictment by the Attorney General, at the suit of the Queen, in the usual manner before the Supreme Court or any Circuit Court, and all other proceedings and prosecutions for any breach of this Law or any rule or rules established under this Law shall be heard before the Court of any Resident Magistrate within this Colony.

Burthen of proof of being licensed on accused.

20. The burthen of proving that any person is licensed under this Law shall be upon the person accused, and the prosecutor need not prove more than that such person was found digging, searching for, or removing gold.

Appropriation of fines.

21. All fines recovered under this Law shall be paid to Her Majesty the Queen.

Gold Discoveries Law.

22. It shall be lawful for the Lieutenant Governor, with the advice of the Executive Council, to impose and cause to be collected an export duty on the gold produced in this Colony, not exceeding Two shillings and sixpence per ounce.

Export duty may be imposed on gold produced in Colony.

23. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Commencement of Law.

SCHEDULE A.

Gold License.

[No.]

[Date.]

License is hereby granted to _____ to dig, search for, and remove gold on and from such Crown Lands within the County or Division of _____ as shall be assigned to him by me, or some other duly authorised person for that purpose, or on and from any private lands included in any proclaimed goldfield, with the consent of the proprietors of such land.

This license to be in force for twelve months from this date, and must be produced to me, or any other person acting under the authority of the Government, when demanded.

(Signed)

SCHEDULE B.

£1,000 for the discovery of a goldfield to yield at the rate of 500 ounces of gold per month for twelve months.

£1,500 do. do. 500 ozs. to 1,000 ozs. "

£2,000 do. do. 1,000 " to 2,000 " "

£2,500 do. do. 2,000 " to 3,000 " "

£3,000 do. do. 3,000 " to 4,000 " "

£5,000 for any amount of yield over 4,000 ounces per month for twelve months.

Given at Government House, this 22nd day of September 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

Legislative Council.

LAW No. 17, 1869.

(Signed) ROBT. W. KEATE.

Law to repeal and re-enact with amendments Law No. 7, 1860.

Preamble.

WHEREAS, it is expedient to repeal and re-enact with amendments Law No. 7, 1860, entitled, "Law to repeal Law No. 10, 1858, and to make provision for defraying the Expenses of certain Members of the Legislative Council of the Colony of Natal:"

Be it therefore enacted, by the Lieutenant Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :

Law No. 7, 1860, repealed.

1. Law No. 7, 1860, shall be and the same is hereby repealed.

Electivemembers (except Speaker), whose ordinary place of residence more than six miles from place where Council assembles, entitled to 17s. 6d. per diem while travelling to, returning from, and attending at any session.

2. Each Elective Member of the Legislative Council, except the Speaker, whose ordinary place of residence shall be situated at a greater distance than six miles from the place in which the said Council shall assemble, shall be entitled to be paid from the public Treasury of the said Colony the sum of Seventeen shillings and sixpence sterling per diem for every day during which such member shall be engaged in travelling to or returning from and attending at any Session of the Legislative Council of the said Colony.

Speaker entitled to same allowances when special session convened.

3. Provided, nevertheless, that when and so often as there shall be a Special Session of Council convened, the Speaker shall be entitled to and receive the same allowances over and above his annual salary as any other Elective Member of the Legislative Council would be entitled to receive under this Law for any such Special Session.

Commencement of Law.

4. This Law shall commence and take effect from and after the First day of January, Eighteen Hundred and Seventy.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,

Colonial Secretary.

LAW No. 18, 1869.

Law for making further provision for the service of the year 1868.

Umgeni Extension Railway.

LAW No. 19, 1869.

Law for authorising a further Expenditure, not exceeding £391 4s. 6d., for the Construction of Public Works during the years 1867 and 1868.

LAW No. 20, 1869:

Law for making further provision for the service of the year 1869.

LAW No. 21, 1869.

(Signed) ROBT. W. KEATE.

Law to authorise and provide for the continued working of the Umgeni Extension Railway.

WHEREAS; under and by virtue of a Law enacted by the Administrator of the Government of Natal, by and with the advice and consent of the Legislative Council thereof, bearing date the twenty-fourth day of August, 1865, entitled "Law to enable the Natal Railway Company to contract with the Natal Government for a Lease of the Umgeni Extension Railway, and for the Carriage of Stones from the Umgeni Quarries to the Harbour Works over the same; and to enable the said Company to run Trains for the public convenience over the same, and to take tolls therefor," the Natal Railway Company were enabled to contract with, and did contract with, the said Government for a lease of the said Umgeni Extension Railway: Preamble.

And whereas, pursuant to the provisions in the said above-recited Law contained, a lease of the said Railway was duly executed to and in favour of the said Natal Railway Company, and the said Natal Railway Company entered upon and worked and still continue to work the said Railway:

And whereas, the said Natal Railway Company have given notice of their intention to abandon the said Lease, and to surrender the said Umgeni Extension Railway to the lessor, the said Government:

And whereas, it is expedient to provide for the continued working of said Railway upon such surrender:

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows:

Umgeni Extension Railway.

Governor may contract with any company or private person for working Umgeni Extension Railway or Government may work it.

Tenders must be called for.

Government or company or person contracting to have same powers as Natal Railway Company had.

Terms of such contract.

Commencement of Law.

1. It shall and may be lawful for the Lieutenant Governor of this Colony for the time being to make and conclude with any company or private person, and upon the best terms for the Colony which the said Lieutenant Governor shall be able to secure, a contract for the working of the Umgeni Extension Railway; or if the Lieutenant Governor shall see fit, it shall be lawful for the Colonial Government to work the said Railway: Provided, that during at least three months previously to the Government commencing to work such Railway, tenders shall be called for by public advertisement once a month from any company or private person willing to undertake it. And the Colonial Government, or any company or private person so contracting, shall have such and the like powers of employing locomotive engines and other moving powers, and of employing and using carriages, wagons, or trucks to be drawn or propelled thereby over and along the said Railway, and of working the same for public traffic, and the same powers of making bye-laws for the regulation of the conveyance of passengers and of goods thereon, and for charging and imposing fares and tolls for the conveyance of passengers and goods over said line, and enforcing payment of the same, as the Natal Railway Company heretofore had and possessed.

2. Every such contract for the working of the said Umgeni Extension Railway shall be for such term or terms of years, with such right or benefit of renewal thereof from time to time, and with, under, and subject to such reservation of rent or rents, covenants as to the terms of conveyance of stone for Government, and other covenants, conditions, declarations, and agreements, as may from time to time be agreed upon between the Government and such company or the directors thereof or such private person.

3. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette*.

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D: ERSKINE,
Colonial Secretary.

LAW No. 22, 1869.

Law to repeal Law No. 14, 1869, entitled "Law to check the "Spread of Lung-sickness by Sales of Lung-sick Cattle," and to re-enact the same, with Amendments.

Repealed by Law No. 9, 1871, § 1.

Resuming certain Lands.

LAW No. 23, 1869.

Law for authorising the Expenditure of a Sum not exceeding £3,280 17s. 8d. towards the Construction of the Works to improve the Harbour of Natal.

LAW No. 24, 1869.

Law to define and explain the true intent and meaning of certain Clauses and Schedules in Law No. 18, 1868.

Expired.

LAW No. 25, 1869.

(Signed) ROBT. W. KEATE.

Law to empower the Lieutenant Governor to resume Possession, on behalf of the Crown, of certain Lands which have been allotted to certain Immigrants, and to give Compensation to any such Immigrants whose Lands may be so resumed.

WHEREAS, in or about the year 1851 certain lands in this Colony were allotted to certain emigrants from the United Kingdom, and deeds of transfer in favour of such several emigrants were executed and lodged in the office of the Registrar of Deeds of this Colony for the purpose of being delivered to such emigrants, upon payment by them to the Colonial Government of certain charges thereon; and whereas a large number of such deeds of transfer have not been taken out by such emigrants, and the charges thereon as aforesaid have not been paid; and whereas in most of such instances the sums of money so chargeable thereon exceed the present market value of the respective lands upon which the same are owing; and whereas it is expedient and will tend to the public benefit, that certain of such lands hereinafter specified should become available for occupation, and that for such purpose the Government should again become possessed of such lands, in order that the same may be granted to other persons who have already been located thereon by the Government: Preamble.

And it is further expedient to empower the Lieutenant Governor in any case in which he shall exercise the power hereinafter conferred upon him of resuming possession of such lands, to grant to the person to whom such lands were so originally allotted, upon the payment by such person of such charges as may be due and payable thereon, fair and reasonable compensation for the land so resumed;

Resuming certain Lands.

Be it therefore enacted, by the Lieutenant Governor of Natal, by and with the advice and consent of the Legislative Council thereof, as follows :

Governor may direct Registrar of Deeds to cancel transfers mentioned in schedule hereto. Registrar to cancel the same by endorsement.

1. The Lieutenant Governor shall be and he is hereby authorised and empowered, if and whenever he shall see fit so to do, to direct the Registrar of Deeds to cancel and annul all or any of the deeds of transfer in the schedule hereto mentioned ; and the Registrar of Deeds, upon the receipt of any such directions under the hand of the Colonial Secretary, shall forthwith cancel the deeds of transfer therein mentioned by endorsement under the hand of him, the said Registrar of Deeds, by virtue of this Law.

Such endorsement shall re-invest the lands in Governor, free from all charges and incumbrances.

2. The effect of such endorsement of cancellation by the Registrar of Deeds under this Law shall be, that the lands in such cancelled deed of transfer mentioned and described shall thereupon become re-invested in the Lieutenant Governor as land belonging to the Crown, absolutely discharged from all and all manner of estates, charges, or incumbrances whatsoever, and may be held, used, and disposed of in such and the same manner as any other Crown lands in this Colony: Provided always, that the person named in such cancelled deed of transfer as the person to whom such land was conveyed thereby, or the heirs, executors, administrators, or assigns of any such person shall, on payment to the Colonial Treasury of the charges and expenses due and payable upon or in respect of such transfer deed and of the land therein mentioned and not otherwise, be entitled to fair and reasonable compensation for such land in manner hereinafter provided and not otherwise.

Transferree or his heirs entitled on payment of charges to compensation.

Compensation to be made in money or Crown lands.

No compensation for buildings.

3. The compensation in the preceding section mentioned shall be made either in money or in available Crown lands taken at the usual Government upset price for such lands at the time when the deed of transfer shall have been cancelled ; such compensation shall be only for the value of the resumed land, exclusive of buildings erected thereon at the date of the resumption ; and such compensation shall, unless the amount of the same be mutually agreed upon, be fixed and ascertained in manner following: The Colonial Secretary (on behalf of the Government) and the person claiming compensation shall each nominate and appoint a person as arbitrator, and the said arbitrators shall mutually determine such compensation as aforesaid ; and if such arbitrators shall disagree respecting the compensation to be awarded for such land, they the said appointees or arbitrators may nominate some third person to act as umpire, and the joint valuation of such arbitrators, or the valuation of such umpires, as the case may be shall be final and conclusive.

Amount may be fixed by arbitration.

Expenses of arbitration borne by Government.

4. In every case of arbitration under this Law, the expenses of such arbitration shall be borne by the Colonial Government.

Claims of any person in respect of survey or other fees not affected by this Law.

5. Nothing in this Law contained shall in any way affect any claim any person, or the heirs, executors, administrators, or assigns of any person may have in respect of survey fees or any other fees which would have been payable in respect of any of these lots had the allottee taken out such deed of transfer.

Commencement of Law.

6. This Law shall commence and take effect from and after the promulgation thereof in the *Government Gazette* of this Colony.

Resuming certain Lands.

SCHEDULE.

Vide Law 4,
1872, § 1.*Deeds of Transfer.*

Claimant.	Number of Lot and Situation.	Registry No.	Extent.
Henry Richard Holton	19, Lots 2 and 3, Illovo; Lot 5, Block 2, Richmond	718	40 acres $\frac{1}{2}$ acre
J. Robson	54, Lots 2 and 3, Illovo; Lot 10, Block 2, Richmond	736	40 acres $\frac{1}{2}$ acre
Job Palmer	53, Lots 2 and 3, Illovo; Lots 1 and 3, O, Richmond	780	100 acres 1 acre
T. Howells	55, Lots 2 and 3, Illovo; Lot 10, Block K, Richmond	779	50 acres $\frac{1}{2}$ acre
Rebecca Lambert	56, Lots 2 and 3, Illovo; Lot 12, Block K, Richmond	737	20 acres $\frac{1}{2}$ acre
Francis Spring	64, Lots 2 and 3, Illovo; Lots 2, 4, 6, Block 2, Richmond	796	170 acres $\frac{1}{2}$ acre
Wm. Hart	124, Lots 2 and 3, Illovo; Lot 7, (X), Richmond	789	40 acres $\frac{1}{2}$ acre
Edward Reynolds	124a, Lots 2 and 3, Illovo; Lot 6, Block O, Richmond	727	20 acres $\frac{1}{2}$ acre
John Macpherson	162, Lots 2 and 3, Illovo; Lot 9, Block G, Richmond	818	80 acres $\frac{1}{2}$ acre
Alexander Paterson	163, Lots 2 and 3, Illovo; Lot 5, Block K, Richmond	791	20 acres $\frac{1}{2}$ acre
J. L. Thompson	164, Lots 2 and 3, Illovo; Lot 8, Block L, Richmond	881	20 acres $\frac{1}{2}$ acre
John Kilgrave	169, Lots 2 and 3, Illovo; Lot 4, Block (W), Richmond	815	20 acres $\frac{1}{2}$ acre
N. MacMillan	185, Lots 2 and 3, Illovo; Lot 10 (P), Richmond	824	60 acres $\frac{1}{2}$ acre
Robt. Spiers	170, Lots 2 and 3, Illovo; Lot 8, Block N, Richmond	702	90 acres $\frac{1}{2}$ acre
W. Robertson	171, Lots 2 and 3, Illovo; Lot 9, Block L, Richmond	852	40 acres $\frac{1}{2}$ acre
J. Simpson	172, Lots 2 and 3, Illovo; Lot 2, Block N, Richmond	853	20 acres $\frac{1}{2}$ acre
R. McLeod	173, Lots 2 and 3, Illovo; Lot 6 (M), Richmond	703	20 acres $\frac{1}{2}$ acre
C. T. Stacy	94, Lots 2 and 3, Illovo; Lot 2, Block P, Richmond	697	20 acres $\frac{1}{2}$ acre
Jas. Eagle	99, Lots 2 and 3, Illovo; Lot 6, Block (S), Richmond	695	20 acres $\frac{1}{2}$ acre
J. Watkins	114, Lots 2 and 3, Illovo; Lot 5, Block (W), Richmond	689	20 acres $\frac{1}{2}$ acre

Resuming certain Lands.

Claimant.	Number of Lot and Situation.	Registry No.	Extent.
Wm. Brockman	116, Lots 2 and 3, Illovo; Lot 5, Block (X), Richmond	823	85 acres $\frac{1}{2}$ acre
Geo. Ross	118, Lots 2 and 3, Illovo; Lot 8, Block (T), Richmond	719	20 acres $\frac{1}{2}$ acre
H. Caldwell	188, Lots 2 and 3, Illovo; Lot 6, Block (P), Richmond	678	90 acres $\frac{1}{2}$ acre
J. H. Carruthers	109, Lots 2 and 3, Illovo; Lot 4, Block (T), Richmond	839	45 acres $\frac{1}{2}$ acre
Nelson Grant	110, Lots 2 and 3, Illovo; Lot 11, Block G, Richmond	691	55 acres $\frac{1}{2}$ acre
G. Young	Lot 8, Tongaati; Lot 16, E, Mount Moreland.	608	158 acres 1 acre
F. Dimock	Lot 12, Tongaati.	646	90 acres
W. R. Quick	Lot 55, A, Umhloti; Lot 146, Verulam.	274	20 acres 1 acre
J. Parsons	Lot 57, A, Umhloti; Lot 146, Verulam.	272	20 acres 1 acre
Wm. Smith, sen.	Lot 67, B, Umhloti.	487	90 acres
Chas. Rosier	Lot 68, B, Umhloti.	497	45 acres
George Chaulbers	Lot 25, C, Umhloti.	540	45 acres
J. G. Furnival	Lot 32, C, Umhloti.	536	50 acres
A. Silvestre	Lot 41, C, Umhloti; Lot 10, C, New Glasgow; Lot 1, E, Verulam.	558	107 $\frac{1}{2}$ acres 1 acre 1 acre
Arthur Virtue	Lot 8a, Block C, Umhloti.	521	90 acres
Henry Bowness	Lot 9, Block C, Umhloti.	524	90 acres
John Steele	Lot 15, Block C, Umhloti.	527	162 $\frac{1}{2}$ acres
Thos. Thompson	Lot 59, B, Umhloti.	494	65 acres
T. Robertson	Lot 28, B, Umhloti.	466	45 acres
John Abbot	Lot 5, Slang Spruit.	56	20 acres
H. C. Lake	Lot 6, " "	81	120 acres
W. Petchell	Lot 10, " "	91	20 acres
D. Hamilton	Lot 29, " "	75	20 acres
Edward Burdsill	Lot 30, " "	60	20 acres
James Ennals	Lot 11, Block C, Umhloti.	544	45 acres

Given at Government House, this 22nd day of September, 1869.

By command of His Excellency the Lieutenant Governor,

(Signed)

D. ERSKINE,
Colonial Secretary.

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